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SOUTHEAST ALASKA FEDERAL SUBSISTENCE
REGIONAL COUNCIL MEETING

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8

VOLUME II

9

10 Westmark Shee Atika

11 Sitka, Alaska

12 March 23, 2001

13 8:30 o'clock a.m.

14

15

16 COUNCIL MEMBERS PRESENT:

17

18 William Thomas, Chairman

19 Lonnie Anderson

20 Bert Adams

21 Dolly Garza

22 Floyd Kookesh

23 Butch Laiti

24 John Littlefield

25 Patricia Phillips

26 Richard Stokes

27 Marilyn Wilson

28

29 Fred Clark, Regional Coordinator

P R O C E E D I N G S

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CHAIRMAN THOMAS: Good morning everybody,
it's good to see everybody back. Those of you that didn't
make it to the fundraiser last night, the food wasn't so
good but we sure missed your company.

8 (Laughter)

9
10 CHAIRMAN THOMAS: The food was excellent
11 and they did a good job down there and I want to thank --
12 who put that on last night, ANB?

13
14 MR. LITTLEFIELD: Mr. Chairman, it was ANB.

15
16 MR. CLARK: ANB.

17
18 CHAIRMAN THOMAS: Good job. Now, yesterday
19 when we finished up there was some desires to do some
20 follow-up work with regards to a resolution that we want to
21 bring forth today and I'm not sure if it's ready at this
22 time or not. If it's not we can give it more time and do
23 something different. Dolly, were you able to muster
24 anything up? Is this it here?

25
26 MS. GARZA: Is that it?

27
28 MR. CLARK: This is something from Mr.
29 Pate.

30
31 MS. GARZA: Yeah, it's being distributed.
32 Jude drafted something. The king of ling drafted something
33 for us.

34
35 (Pause)

36
37 CHAIRMAN THOMAS: Resolution. My vice
38 chair didn't answer me, were you able to get anything done
39 with that Dolly or would this have some contributing
40 information for what you want to do?

41
42 MS. GARZA: Yes, Mr. Chairman. At the end
43 of the day yesterday we voted to not support Proposal 4,
44 and the two follow-up things that I was hoping to discuss
45 was, one, to send somebody to the Board of Game meeting
46 this fall so that as the Southeast Subsistence Advisory
47 Council we could testify to change State regulations to
48 allow for hunting from boats for ungulates since we hunt
49 from boats for seals and sea otters and sea lions and we
50 hunt from boats in every other part of the state. And I'm

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1 not sure it that would take action or if we can just simply
2 direct the Chairman to make sure that happens.

3

4 CHAIRMAN THOMAS: I'd be glad to take
5 direction but normally when we can make reference to
6 Council action on this, it seems to have a little better
7 justification than just a verbal direction. So the Chair
8 would entertain a motion to petition OSM for funding to
9 have a representative from this Council to attend the Board
10 of Game meeting in Kotzebue. Who so moves?

11

12 MR. ANDERSON: So moved.

13

14 CHAIRMAN THOMAS: Who so seconds?

15

16 MS. GARZA: Second.

17

18 CHAIRMAN THOMAS: Discussion.

19

20 MS. WILSON: Question.

21

22 CHAIRMAN THOMAS: Question's been called.
23 All those in favor say aye.

24

25 IN UNISON: Aye.

26

27 CHAIRMAN THOMAS: Those opposed say no.

28

29 (No no votes)

30

31 CHAIRMAN THOMAS: Okay, that motion
32 carries. Thank you, Dolly.

33

34 MS. GARZA: Okay, Mr. Chairman, the other
35 thing was to look at the existing regulations and I would
36 ask that we ask Jude Pate to come forward and explain this
37 draft.

38

39 CHAIRMAN THOMAS: Say again, please?

40

41 MS. GARZA: Have Jude Pate come up and
42 explain this draft that was distributed.

43

44 CHAIRMAN THOMAS: Yes. Mr. Pate, if you
45 would, please.

46

47 MR. PATE: Thank you, Mr. Chairman and
48 Board members, Staff. Together with your legal Counsel, I
49 have some language presented for you. The first section
50 outlines the, at least, four provisions of existing

1 regulations that are relevant to your decision on this.

2

3 First and perhaps most important, is the
4 applicability and scope and exclusion from marine waters
5 from the scope -- at least as far as it is in the Tongass,
6 that's the first one, (b)(28). The next one is marine
7 waters defines up to the mean high tide line. The next one
8 is the definition of take or taking. Then finally is the
9 specific regulation allowing hunting deer from a boat, or
10 ungulates.

11

12 The proposed language -- would be proposed
13 for additional language is under Section II. And the
14 proposed additions are in italics. Currently I believe the
15 regulation reads, you may take ungulates from a boat. Then
16 there would be a proposed additional sentence that says;
17 This provision shall extend to marine water as an exception
18 to the exclusion stated in 36 CFR 242.3(b)(28). And then
19 the regulation would continue on, unchanged.

20

21 And I have four separate points of
22 discussion that I think might be important for the Board to
23 consider, that's on the second page.

24

25 CHAIRMAN THOMAS: Would you repeat that
26 last comment again, Jude?

27

28 MR. PATE: Mr. Chairman, I believe there
29 are at least -- at least four separate points of discussion
30 that the Board should consider when discussing this
31 proposal. The first one, if I -- would you like me to go
32 over them now, what I think those points are?

33

34 CHAIRMAN THOMAS: Sure.

35

36 MR. PATE: The first one would be to make
37 clear, as you did, I believe, in your previous meetings
38 that you intend the use of the word, take, in this
39 provision to refer to where the animal is standing and not
40 from where the hunter was shooting.

41

42 The second would be to document that
43 evidence and testimony was presented to you that the
44 regulation to allow hunting deer from a boat is necessary
45 to prevent interference with the Native way of life and
46 cultural identity. I believe that was presented most
47 strongly by Mr. Herman Kitka. I'm not sure that his
48 comments and testimony made it into the record because he
49 was standing over here and he wasn't at the microphone; if
50 I remember correctly.

1 REPORTER: I got it.

2
3 MR. PATE: The third point would be.....

4
5 CHAIRMAN THOMAS: Salena, did you get it?

6
7 REPORTER: I got it.

8
9 CHAIRMAN THOMAS: She's got it.

10
11 MR. PATE: Pardon me?

12
13 CHAIRMAN THOMAS: She's got it.

14
15 MR. PATE: Okay.

16
17 *** MR. STOKES: special.....

18
19 MR. PATE: The third point would be to
20 document that evidence and testimony was presented that the
21 regulation to allow hunting deer from a boat is necessary
22 to prevent the loss of an important means of acquiring
23 subsistence food.

24
25 And then I believe there is some
26 discussion, or at least, you should be informed that I
27 believe that you have three legal foundations for
28 jurisdiction to extend this far. The first is concurrent
29 and as I explained yesterday, if a deer is standing on
30 Federal land, there's a Federal interest in when that deer
31 is killed or taken by hunting that invokes a Federal
32 interest. A person has reached into the Federal cookie jar
33 and has its hand on Federal lands taking a Federal deer,
34 even if that person is standing or on a boat on State
35 waters, there's both a Federal and a State interest and
36 therefore both the State and the Federal governments have
37 jurisdiction or shared authority and the Federal government
38 may extend its jurisdiction to protect or allow the hunting
39 of that deer.

40
41 The second basis for jurisdiction is
42 exclusive. You may know that the original boundaries of
43 the Tongass as defined by the map with the original
44 withdraw extend miles into marine waters. That's currently
45 the subject of litigation. I recognize that and it's
46 undecided but it's a possible basis of jurisdiction.

47
48 And the final basis of jurisdiction is
49 extraterritorial. That in order to protect customary and
50 traditional hunting and fishing, that this regulation

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1 extends to the extent necessary off into marine waters and
2 that it's necessary to protect a Federal right.

3

4 CHAIRMAN THOMAS: Appreciate you taking the
5 time to give us something for reference. That makes it a
6 lot easier to work with.

7

8 MR. PATE: Thank you, Mr. Chairman. I'd
9 like to credit Mr. Ustasiewski, we discussed it at some
10 length, and so to the extent that this is well thought, I
11 think he deserves some credit, too, thank you.

12

13 CHAIRMAN THOMAS: Well, we'll give him
14 some, yeah.

15

16 (Laughter)

17

18 CHAIRMAN THOMAS: It's the intent of this
19 Council to work with this community via their
20 representative on the Council from Sitka which is Mr.
21 Littlefield. And we do that in every case. And it will be
22 a regional item of discussion because we're designed to be
23 a regional voice. So this is one of the best examples I've
24 seen of a community giving this Council the pulse of what
25 they live and give us the opportunity to take this message
26 for consideration at the Federal Subsistence Board level.
27 Oh, by the way we're a Council, we're not a Board, but
28 we're all flattered by the reference.

29

30 We do have two members of the Board in
31 attendance. And their interaction has been so good it's
32 hard to pick them out of the bunch. They used to wear a
33 flashing name tag, you know, they don't do that anymore.
34 And I have to say that I really appreciate how this
35 proposal was dealt with yesterday. The proposal itself and
36 the intent, I was able to recognize from the people that
37 presented the proposal, I agreed with the dialogue and
38 everything that occurred following it, I appreciate the
39 representation of the maker of the proposal and it remains
40 to be seen how this is going to be dealt with at the Board
41 level. In any case, I don't think whatever happens at the
42 Board level will have any impact on their decision on
43 whether or not they'll be able to sponsor a member of this
44 Council to the Board of Game meeting in Kotzebue.

45

46 I don't know how much better we can
47 represent a proposal than what we've done so far.

48

49 Any questions of Mr. Jude -- Mr. Pate? Are
50 you Mr. Jude or Mr. Pate, either way just call me mister,

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1 uh?

2

3 (Laughter)

4

5 MR. PATE: Just not late for dinner.

6

7 CHAIRMAN THOMAS: Okay, thank you. Mark
8 Jacobs.

9

10 MR. JACOBS: Thank you, Mr. Chairman. It's
11 always amusing to me the fair chase which relates to taking
12 game from the boat. It also amuses me when I see an ad of
13 telescope sites with the cross-hairs placed on good meat.

14

15 (Laughter)

16

17 MR. JACOBS: Do you call that fair chase?
18 That's a target that bloodshots the meat.

19

20 CHAIRMAN THOMAS: They don't want to ruin
21 the head.

22

23 MR. JACOBS: I am speaking in favor of
24 allowing us to take meat, venison from the boat. I believe
25 I explained yesterday that.

26

27 CHAIRMAN THOMAS: Salena got it.

28

29 MR. JACOBS: I'm one of those that has to
30 use proxy hunters today because of my physical condition.
31 You might not detect it now but, you know, I have almost a
32 total loss in hearing. I have lack of ability to walk any
33 distance, especially climbing a hill. So I prefer to take
34 my own meat and that meat will be a good shot, not
35 bloodshot. I'm sure that a lot of our people feel that
36 way.

37

38 Now fair chase comes into the question of
39 shooting from a boat. I think I make sure when I shoot a
40 deer that I take it by the neck or by the head and then I
41 bleed it and I pack it. But now days I don't have the
42 abilities so I speak in favor of this proposed regulation,
43 that we may use and take deer from the boat. I do agree
44 that a bear should not be shot from a boat because a
45 wounded bear becomes a dangerous animal if you don't follow
46 it and finish him off. We have no wolves in this area, nor
47 wolverine, so this is out of the question for me to say I
48 have any opinions on that part of it. But I think it's a
49 good proposal for other areas and I think that this is
50 supplying something to eat for my family. It's not trophy

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1 hunting. Trophy hunters, I'm sure do not want to spoil the
2 neck or the head.

3

4 For this reason I have some bitter
5 contentions on some of these regulations that injects into
6 the regulation to take in a non-wasteful manner. We are
7 not the wasteful people. Take a look at this sac roe
8 fishing that's going on now, for every hundred herring,
9 they take only 10 that's useable. The rest is discarded,
10 this is wanton and waste, and I want you to know that. And
11 I think you have a resolution coming through the Central
12 Council Convention that is authored here in Sitka appealing
13 to the Federal Subsistence Board. I did write them
14 something on this. It was sent back to me from the Alaska
15 Department of Fish and Wildlife that this must go through
16 the State government and then that would mean it would go
17 in the wastebasket. I know that it's ineffective when we
18 follow that procedure. So I say that I think they -- I
19 think the -- I had a memory loss. I'm talking about bag
20 limit.

21

22 I think the bag limit is okay, because I
23 use what I take and right now I have never exceeded the bag
24 limit. For Sitka it has been six deer as a rural area.
25 And we fought tooth and nail for Sitka's rural designation.
26 And I'm sure that question will be coming up, too, but you
27 want us to stay on one subject so we can talk about that
28 later.

29

30 Thank you.

31

32 CHAIRMAN THOMAS: Thank you, Mark. Mark,
33 the Council voted to support shooting boats -- shooting
34 boats from a deer.

35

36 MR. JACOBS: Shooting boats from a deer?

37

38 CHAIRMAN THOMAS: Yeah.

39

40 (Laughter)

41

42 CHAIRMAN THOMAS: We voted in favor.

43

44 MR. JACOBS: Did I say that or did you say
45 it?

46

47 CHAIRMAN THOMAS: No, I did. I did.

48

49 (Laughter)

50

1 CHAIRMAN THOMAS: But the Council is on
2 your side.

3
4 MR. JACOBS: Yeah. Yeah, I think shooting
5 from a boat and I think the distance comes into play. I
6 don't think a long distance shot is any good, unless a
7 person is a real marksman. And from a moving boat or
8 weather conditions, I don't think pot shots is any good.
9 But I think that should not deprive us of -- people like
10 myself from taking deer from a boat.

11
12 Thank you.

13
14 CHAIRMAN THOMAS: Thank you.

15
16 MS. GARZA: Mr. Chair.

17
18 CHAIRMAN THOMAS: Dolly.

19
20 MS. GARZA: Mr. Chairman, I like the
21 language that was proposed by the two attorneys as well as
22 the accompanying justification. But I'm not sure if we can
23 propose this language since I'm not sure if it would have
24 to be submitted as a proposal and then it would be out of
25 cycle, so I would ask for clarification first?

26
27 But if that is the case then what I would
28 propose is that, we, as a Council, support the proposed
29 language as well as the justification and ask the Chairman
30 to take it to the Board meeting, the Federal Subsistence
31 Board meeting with our intent that this issue be resolved
32 to the benefit of customary and traditional users not to --
33 not to a level that will reduce their take.

34
35 CHAIRMAN THOMAS: Okay, what's the wishes
36 of the Council?

37
38 MS. GARZA: Well, first I was hoping to get
39 clarification from either Fred or Dave.

40
41 MR. CLARK: Mr. Chairman.

42
43 CHAIRMAN THOMAS: Fred.

44
45 MR. CLARK: It seems that the Council could
46 submit this along with what the Federal Board has already
47 submitted to the Board of Game, this could be an amendment
48 or an addition to the proposal that's already going to the
49 Board of Game, so it could be an accompaniment, suggestion,
50 to be included with that.

1 MR. ANDERSON: That would be the proper
2 procedure.

3
4 MS. GARZA: So Mr. Chairman.

5
6 CHAIRMAN THOMAS: Dolly.

7
8 MS. GARZA: Relative to Proposal 4, I would
9 move that we support the amended language listed on the
10 first page, Item No. 2 in italics; This provision shall
11 extend to marine waters as an exception to the exclusion
12 sated in 36 CFR 242.3(b)(28).

13
14 ** MR. ANDERSON: Second.

15
16 CHAIRMAN THOMAS: Okay, you heard the
17 motion and the second. Discussion.

18
19 MS. GARZA: Mr. Chairman.

20
21 CHAIRMAN THOMAS: Dolly.

22
23 MS. GARZA: If the motion passes then I
24 would hope, although we cannot direct you that you would
25 use the next page, the discussion, the four points as part
26 of your basis for presenting to the Federal Subsistence
27 Board.

28
29 CHAIRMAN THOMAS: What I would do is have
30 enough of these reproduced to furnish the Board a copy so
31 that they can make reference to it in their deliberations.

32
33 Okay, do I hear a call for the question?

34
35 MR. LITTLEFIELD: Question.

36
37 MR. KOOKESH: Question.

38
39 CHAIRMAN THOMAS: Question's been called
40 for. All those in favor say aye.

41
42 IN UNISON: Aye.

43
44 CHAIRMAN THOMAS: Those opposed.

45
46 (No opposing votes)

47
48 CHAIRMAN THOMAS: The motion carries.

49
50 MR. CLARK: Mr. Chairman.

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1 CHAIRMAN THOMAS: Fred.

2

3 MR. CLARK: If the Council -- the Council
4 also has the opportunity at this point to adopt the
5 language to the Federal Subsistence Board as well as to
6 the Board of Game. I think the way you just did it in
7 reference, particularly to the proposal that's already
8 going to the Board of Game; is that correct?

9

10 CHAIRMAN THOMAS: (Nods affirmatively)

11

12 MR. CLARK: But you can also make a
13 proposal or a motion using the same language to go to the
14 Federal Subsistence Board that would be an accompaniment to
15 the motion that you made yesterday in rejection of Proposal
16 No. 4.

17

18 CHAIRMAN THOMAS: So we've already taken
19 appropriate Council action.

20

21 MR. CLARK: You've taken appropriate
22 Council action but you could either make another motion or
23 amend your previous action to include this language in your
24 motion to the Federal Subsistence Board.

25

26 MS. GARZA: Mr. Chairman, that was what I
27 thought we did.

28

29 MR. CLARK: Okay.

30

31 MS. GARZA: I wasn't speaking to the Board
32 of Game, I was speaking to the Federal Subsistence Board.
33 So we have some confusion here.

34

35 MR. CLARK: Okay.

36

37 MS. GARZA: We could remedy it by saying
38 both Boards.

39

40 CHAIRMAN THOMAS: Our coordinator will
41 guide us through the proposal process on this and make sure
42 that we don't fall through the ice.

43

44 MR. CLARK: Right. In any case it will go
45 to the Federal Subsistence Board, even if you leave it as
46 it is.

47

48 CHAIRMAN THOMAS: So there.

49

50 MS. GARZA: Okay.

1 CHAIRMAN THOMAS: Jim.

2

3 MR. USTASIEWSKI: Thank you, Mr. Chair.
4 I'd like to offer a few comments. But first I'd like to
5 note for the record that I'm not wearing a suit or tie
6 today at the councils request.

7

8 CHAIRMAN THOMAS: And Jude took his tie
9 off.

10

11 MR. USTASIEWSKI: Yes, he did. Jim
12 Ustasiewski for the US Department of Agriculture. Mr. Pate
13 gave me more credit than is due. I did talk with him about
14 the proposal, the change to the regulation and I think it
15 is a good start, I'll take credit -- or I'll accept credit
16 for the good ideas. We don't necessarily agree with
17 everything about the proposal, but like I say, I think it's
18 a good start. Some of the discussion on the second page, I
19 think I may not be able to go as far as some of the
20 statements there but I will take credit for the good ideas
21 since that's been offered and then later, perhaps I can
22 distance myself from the ones that may not prove
23 to be the best.

24

25 (Laughter)

26

27 CHAIRMAN THOMAS: I think we'll be able to
28 make better determinations following the Board meeting.

29

30 MR. USTASIEWSKI: Right. Right. As I say,
31 I think this is a very good start at preemption of any
32 inconsistent State law. If for some reason the State Board
33 of Game fails to amend the State regulations to allow
34 shooting from boats, I think this language, certainly on
35 it's face purports to conflict with that; it specifically
36 allows for shooting from boats on marine waters and,
37 therefore, would be in conflict with State law and should
38 preempt State law. The question that would come up with
39 the regulation would be, whether it's authorized under
40 ANILCA and I think this, again, is a good start at
41 accomplishing ANILCA's purposes of providing a subsistence
42 priority for a resource that's located on the public lands,
43 even if perhaps the boats from where the hunters are
44 shooting are not on public lands, the resource is on public
45 lands and this activity then allows for reasonable access
46 to the resource that's on public lands.

47

48 As Mr. Pate pointed out, the marine waters
49 themselves are within the boundary of the Tongass National
50 Forest and so perhaps in that sense, we're not really going

1 outside of the Forest by regulating shooting from marine
2 waters, we are still within the boundaries of the Tongass
3 and so perhaps the sort of strict law that applies to going
4 beyond the National Forest boundary may not apply. Perhaps
5 we can authorize this activity, the Board could authorize
6 this activity or the Secretary could authorize this
7 activity if necessary on the basis that it's necessary to
8 accomplish the purposes of Title VIII in ANILCA.

9
10 I think it is wise and I've been
11 following the conversation about the proposal yesterday as
12 well as today about the subsistence nature of shooting from
13 a boat, the customary and traditional nature of shooting
14 from a boat and the importance of that, and I think the
15 record does support that now. I think it would help to the
16 extent, the Council can develop the record to show that
17 this activity is reasonably necessary to accomplishing the
18 subsistence purpose of ANILCA, that without being able to
19 shoot from a boat on marine waters, we may not be able to
20 get the deer, there may be certain times of the year when,
21 because of snowfalls, the deer are only present on the
22 beach, on the beach fringe or there maybe be times of
23 shortage, an opportunity slips away from a hunter, if they
24 have to go ashore that they may not be able to get a deer
25 that year. I think the more record, information the
26 Council can develop like that the stronger this proposal
27 will be.

28
29 So as I say, I think it's a good start,
30 while Jude and I may not agree 100 percent, I think when
31 you find two lawyers agreeing 100 percent, something is
32 probably wrong so it's probably healthy for us to have some
33 level of disagreement and I think this is a good proposal
34 for the Council to consider.

35
36 CHAIRMAN THOMAS: Thank you. Normally,
37 once we dispose of an action item like we did yesterday we
38 don't discuss it anymore beyond that at our meeting. The
39 only reason we're discussing it now is to put together the
40 best supporting follow-up with this and we really
41 appreciate your guys efforts in doing so. And thank you
42 much for your comments.

43
44 MR. USTASIEWSKI: Thank you.

45
46 CHAIRMAN THOMAS: I just have to share with
47 you that, you know, most people my age and some younger,
48 grew up taking deer from a boat, like we're discussing now.
49 Nobody ever thought that this would reach the Oval office
50 in doing so. In the summertime whether you were -- if you

1 were a fisherman of any kind and we had fresh meat all
2 summer, we didn't care if it had horns, you know, we got it
3 from the beach. If it looked like it would fit in the stew
4 pot, we got it. And we didn't think that would reach the
5 Oval office, but here we are and so far none of us can see
6 the point. So I just thought I'd off that to you as some
7 biology from the community.

8

9 Thank you.

10

11 Anything else. Dolly.

12

13 MS. GARZA: Mr. Chairman, I know that we
14 have disposed of Proposal No. 4, but I did talk to Fred
15 yesterday about the reoccurrence of this proposal of
16 eliminating the antlerless deer hunt on Prince of Wales and
17 one action that I would like to follow through on is that
18 we need to come up with a two-page flyer that we can get to
19 the Fish and Game Advisory Councils, the IRA, to the
20 Islander explaining why we can't support that proposal so
21 that people on that island understand that it is our
22 commitment to maximize the opportunity for customary and
23 traditional hunters, otherwise, I think we're going to keep
24 getting this proposal every two years.

25

26 CHAIRMAN THOMAS: I think it's a good idea.
27 I don't think it will deter the proponents of that idea,
28 but it's a good idea. So is that something we can take up
29 now or -- Fred.

30

31 MR. CLARK: Mr. Chairman, we can certainly
32 put something like that together working with Dolly and
33 Dave Johnson and everybody else -- anybody who wants to be
34 a part of it, we can do that.

35

36 I would also mention that we have -- when
37 we do send -- back to the shooting deer from boat thing for
38 just a moment, we'll have a really good record in the
39 transcripts of the discussions and the testimony today and
40 we will -- if it's the wish of the Council, we'll make sure
41 that that is appended to anything that goes to the Board of
42 Game as well. You know, that's the stuff that they should
43 really be reading.

44

45 MS. PHILLIPS: Do we need a motion?

46

47 CHAIRMAN THOMAS: I need to see some more
48 nods.

49

50 MS. PHILLIPS: Mr. Chairman, I move that we

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1 submit the public record on Proposal 4 to the Board of
2 Game.

3
4 MS. GARZA: Second.

5
6 CHAIRMAN THOMAS: Moved and seconded.
7 Discussion.

8
9 MR. ANDERSON: Call for the question.

10
11 CHAIRMAN THOMAS: Question's been called.
12 All those in favor say aye.

13
14 IN UNISON: Aye.

15
16 CHAIRMAN THOMAS: Motion is carried. Next.

17
18 Now, yesterday there was some mention of
19 people that would like time to address the Council and the
20 audience and if we don't provide the time at this time we
21 can take time now to schedule that during the course of the
22 day. So I think, Judy, you mentioned something that you
23 would like to -- would you like to do that now?

24
25 MS. GOTTLIEB: Thank you, Mr. Chairman.
26 The topic I was going to bring up has to do with the
27 fisheries monitoring studies and a proposal on the East
28 Alsek, so it's certainly up to you. If you'd rather do it
29 during the discussion on fisheries or during the National
30 Park Service agency report; it's up to you.

31
32 CHAIRMAN THOMAS: Okay, I think that's what
33 we'll do, we'll take that as it shows up on the agenda.

34
35 MS. GOTTLIEB: Okay, thank you.

36
37 CHAIRMAN THOMAS: Thank you.

38
39 MR. CLARK: Mr. Chairman.

40
41 CHAIRMAN THOMAS: Fred.

42
43 MR. CLARK: I neglected to announce that if
44 anybody is having a hard time hearing, I have these fancy
45 little remote gizmos, it's like a little FM radio that you
46 can use in assisting in hearing. If anybody wants one,
47 just come up and I will give it to you.

48
49 CHAIRMAN THOMAS: If Mark heard you he
50 would have went for it.

00096

1 (Laughter)

2

3 CHAIRMAN THOMAS: Offer Mark that.

4

5 MR. CLARK: Thank you, Mr. Chairman, I'll
6 do that.

7

8 CHAIRMAN THOMAS: Yeah, offer him that and
9 that will improve his participation, then he'll be on the
10 same day we are, shooting boats from a deer.

11

12 (Laughter)

13

14 MS. GARZA: Mr. Chairman.

15

16 CHAIRMAN THOMAS: Dolly.

17

18 MS. GARZA: We have two more proposals.

19

20 CHAIRMAN THOMAS: Excuse me.

21

22 MS. GARZA: We have two more proposals.

23

24 CHAIRMAN THOMAS: Okay.

25

26 MS. GARZA: (In Native) Mr. Chairman, I
27 would move that we support Proposal No. 5, change the
28 season for hunting and trapping wolves.

29

30 MR. LITTLEFIELD: Second.

31

32 CHAIRMAN THOMAS: Moved and second that we
33 adopt Proposal 5. Discussion.

34

35 MS. GARZA: Call for the question.

36

37 CHAIRMAN THOMAS: Question's been called.
38 All those in favor say aye.

39

40 IN UNISON: Aye.

41

42 CHAIRMAN THOMAS: Those opposed, say no.

43

44 (No no votes)

45

46 CHAIRMAN THOMAS: Okay.

47

48 MS. GARZA: Mr. Chairman.

49

50 CHAIRMAN THOMAS: Dolly, Proposal 6.

1 MS. GARZA: I would move that we support
2 Proposal 6.

3
4 CHAIRMAN THOMAS: You hear the motion,
5 second.

6
7 MS. GARZA: Change the season for trapping
8 marten, mink and weasel.

9
10 MS. PHILLIPS: Second.

11
12 CHAIRMAN THOMAS: It's been moved and
13 seconded. Discussion.

14
15 MS. GARZA: Under -- well, we kind of
16 skipped all the six steps in the last one but there wasn't
17 much comment there. Under Proposal 6 there are ADF&G
18 comments Fred.

19
20 CHAIRMAN THOMAS: Thank you, Dolly, that's
21 correct.

22
23 MS. GARZA: Fred, Page 50.

24
25 CHAIRMAN THOMAS: And we didn't even bother
26 with the analysis from the lead analysts. I apologized
27 yesterday but I'm not going to do it two days in a row.
28 Would the lead analyst care to do that, after we've passed
29 them? The heck with you.

30
31 MR. JOHNSON: On Proposal 5, I think you
32 did fine, Mr. Chair and Council.

33
34 CHAIRMAN THOMAS: Thank you. Does anybody
35 else want to humiliate the Chair? Okay. Now, on 6 we
36 didn't go so far. How about the lead analyst,
37 introduction, same old, same old?

38
39 (Pause)

40
41 CHAIRMAN THOMAS: Okay, were there any
42 comments? I didn't get any request for public comments on
43 5 or 6. Is there any agencies that would like to comment
44 on them?

45
46 MR. CLARK: Mr. Chairman.

47
48 CHAIRMAN THOMAS: Fred.

49
50 MR. CLARK: Did you want the introduction

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1 of proposal and analysis by the analyst for Proposal 6?

2

3 CHAIRMAN THOMAS: Sure.

4

5 MR. JOHNSON: The proposal was submitted by
6 Patty Phillips from Pelican. It would basically bring the
7 mink, marten and weasel trapping regulations in alignment
8 in Unit 4 with the State regulations. Currently trappers
9 are confused between the two sets of regulations between
10 State and Federal. Basically the Staff supported the
11 recommendation or the proposal but with the following
12 modifications. Because there's a -- in terms of Chichagof
13 Island, there is a portion of the island that has more
14 trapping activity than the other portion because of the
15 roaded area. And you have before you there, the proposed
16 changes.

17

18 CHAIRMAN THOMAS: Okay. There was a motion
19 to adopt.

20

21 MS. GARZA: Mr. Chairman.

22

23 CHAIRMAN THOMAS: Dolly.

24

25 MS. GARZA: I would like to ask the maker
26 of the proposal what she thinks of the ADF&G suggestions?

27

28 MS. PHILLIPS: I'm agreeable to it.

29

30 CHAIRMAN THOMAS: Thank you.

31

32 MS. GARZA: So how do we incorporate that
33 into the proposal?

34

35 CHAIRMAN THOMAS: I was getting
36 instruction, would you repeat that again?

37

38 MS. GARZA: So we voted to support the
39 proposal but it is modified by -- suggested that it's
40 modified by ADF&G and that is supported by the maker of the
41 proposal, Ms. Phillips and so I'm wondering how we
42 incorporate, do we have to amend the main motion or do we
43 just support it as modified?

44

45 CHAIRMAN THOMAS: You would support the
46 Staff recommendation. Staff offered -- if that's what you
47 desire, yes.

48

49 MS. GARZA: So the intent is we would
50 support the proposal as modified with the Staff recommendation.

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1 CHAIRMAN THOMAS: Is that acceptable?

2
3 MS. PHILLIPS: Yes.

4
5 CHAIRMAN THOMAS: Is there a motion then?

6
7 MS. GARZA: That was it.

8
9 CHAIRMAN THOMAS: And there was a second.
10 Discussion.

11
12 MR. ANDERSON: Call for the question.

13
14 CHAIRMAN THOMAS: Question's been called
15 for. All those in favor say aye.

16
17 IN UNISON: Aye.

18
19 CHAIRMAN THOMAS: Motion passes. And that
20 is the extent of the proposals that I have. Mark.

21
22 MR. JACOBS: I'd like to ask for
23 reconsideration on this, the Chichagof Island. I had some
24 remarks on it.

25
26 CHAIRMAN THOMAS: Which is that, Mark?

27
28 MR. JACOBS: I'd like to remark on that,
29 right now you were talking about trapping?

30
31 CHAIRMAN THOMAS: Yeah.

32
33 MR. JACOBS: I'd like to remark on that.

34
35 CHAIRMAN THOMAS: Okay, then we need a.....

36
37 MR. JACOBS: The Board will have to
38 reconsider.

39
40 CHAIRMAN THOMAS: We need a motion to
41 reconsider if we're going to do that.

42
43 MR. ANDERSON: Mr. Chairman, I make the
44 motion that we reconsider.

45
46 MR. KOOKESH: Second.

47
48 CHAIRMAN THOMAS: It's been moved and
49 second to reconsider. Mark. All in favor say aye.

50

00100

1 IN UNISON: Aye.

2

3 CHAIRMAN THOMAS: Okay, Mark.

4

5 MR. JACOBS: I'd like to talk a little bit
6 on these marten and the restriction of and seasonal take of
7 marten. I want this Board to know that marten has been
8 imported on Chichagof Island. It has had adverse effect on
9 the grouse and ptarmigan. It just so happens that the
10 squirrels that also have been imported have taken -- easing
11 off a little bit on the pressure on grouse and ptarmigan.
12 Marten is a good hunter and they can chase down just about
13 any prey that they want. This has been a change in the ABC
14 group, that marten is increasing a great amount and is very
15 easy to trap marten. You can take a sardine can and nail
16 it on a tree and put a trap under it, you don't even have
17 to cover it and you can catch that marten. That might be
18 the reason that there might be some restriction on marten.
19 But I want you to know that it has hurt other types of
20 hunting, that's grouse and ptarmigan, that is being cleaned
21 up by the population of marten.

22

23 Thank you.

24

25 CHAIRMAN THOMAS: Thank you, Mark. Okay, I
26 heard no request for a change in action so our action will
27 remain as is. Okay, the vice chair will assume the Chair
28 at this time.

29

30 MS. GARZA: Call for a five minute recess.

31

32 CHAIRMAN THOMAS: She declares a five
33 minute recess right off the bat.

34

35 (Off record)

36

37 (On record)

38

39 CHAIRMAN GARZA: Council application
40 process.

41

42 MR. CLARK: Cal will cover that.

43

44 MR. CASIPIT: I just wanted to talk a
45 little bit about the process. We had 20 applications for
46 membership to the Council this year. All the sitting
47 Council members that are up for this year resubmitted their
48 applications. We do have a team of Federal people calling
49 the applicants and calling the references, doing
50 interviews. Right now we are meeting to finalize our

1 recommendation as scheduled for mid-April, and we don't
2 expect any problems as far as getting our recommendation to
3 the Board on time and that. So we're working on it and for
4 those members who are up for renomination this year, you
5 should have gotten a call or soon will be getting a call
6 from one of our interviewers.

7

8 I'd be happy to answer any questions.

9

10 CHAIRMAN GARZA: Okay. So the point we
11 need to make, even though the application process is closed
12 is to remind the public that seats are not actually
13 designated and anybody can apply from any community in any
14 year. And we need to, as Council members make sure the
15 public knows that.

16

17 MR. CLARK: Madame Chair.

18

19 CHAIRMAN GARZA: Fred.

20

21 MR. CLARK: I would also add to that, if I
22 may, that it's really important that even though you have a
23 -- you know who the Council members are in your communities
24 or if you have a Council member in the general area where
25 you reside, and you think they're doing a great job and you
26 want to keep them on, it's still really, really important
27 for everybody to try to get other people to apply for
28 membership so we have back up people. Occasionally, people
29 have to leave the Council for one reason or another and the
30 selection can be made from the list of applicants to
31 replace that person if somebody leaves. If there's nobody
32 applying from that area, then they can't make that
33 selection, so it's very important to do that.

34

35 It's also important that people know that
36 the Council members, while they bring individual expertise
37 and knowledge of specific areas, very strongly to the
38 Council, their representation is for the entire region and
39 not only their communities or their subregion of the
40 region. They make decisions that affect the entire region
41 and they're there to represent the entire region.

42

43 Thank you, Madame Chairman.

44

45 CHAIRMAN GARZA: So are there any questions
46 on the application process from the Council? Ida.

47

48 MS. HILDEBRAND: Thank you, Madame Chair.
49 Ida Hildebrand, BIA Staff Committee member. I would just
50 like Fred to state on the record when the application

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1 window opens and when it closes and where applications
2 should be submitted. Thank you.

3
4 CHAIRMAN GARZA: Cal.

5
6 MS. WILSON: Madame Chair.

7
8 CHAIRMAN GARZA: Marilyn.

9
10 MS. WILSON: I had a question on the
11 application. What agencies does it go to, I know the ANB
12 gets a copy and we get a copy, but who else gets an
13 application form?

14
15 CHAIRMAN GARZA: Cal, do you have an idea
16 of who all gets the application and the announcement?

17
18 MR. CASIPIT: There's public news releases
19 that go out to all the newspapers in the state, as well as
20 the application periods and the applications are posted on
21 the Subsistence Management web site, there's a fair amount
22 of publicity put out as far as when the open periods are
23 and where the applications are being mailed to. I'm trying
24 to find that right now in your Regional Council booklet.

25
26 MR. CLARK: I think it might suffice for
27 now, while Cal is still looking for particular dates to
28 note then the application period for this year is closed.
29 So who we have are it for this year. I'd also add that I
30 get many, many calls every year on my 1-800 number from
31 people who are interested in the process or interested in
32 obtaining an application form so I often either mail out or
33 fax out those applications to people throughout the region
34 and also reference the web site where those can be
35 obtained.

36
37 CHAIRMAN GARZA: Okay, while Cal's looking
38 for that we can go onto the next item, the Regional
39 Council's annual report. Okay, Cal.

40
41 MR. CASIPIT: I would refer Council members
42 to Page 28 of their Council manuals, the green book,
43 subject No. 10 there. The recruitment process usually
44 starts the first week of January, that's when applications
45 can begin to be submitted and then it talks about the panel
46 of agency field staff members who conduct the interviews
47 and conducts interviews with the references and the
48 applicants, and then the application period, this year,
49 anyway, closed at the end of February. So there's about a
50 two month period in January and February where people can

00103

1 apply for membership.

2

3 CHAIRMAN GARZA: Okay. Next item, annual
4 report. Fred.

5

6 MR. CLARK: Madame Chairman, in ANILCA,
7 Section 805 it lays out the formation of the Council and
8 the Council's responsibilities and one of those includes
9 the preparation of an annual report to the Secretary and a
10 list of things that the report shall contain. And the
11 Council has, every year submitted a report. They have
12 taken a number of different forms. And the way that we've
13 handled that in the past is usually there's an ad hoc
14 committee from the Council who comes up with the -- who
15 takes ideas from the Council in general and puts those into
16 a format that then is developed into the report. It's up
17 to the Council how you would like to develop that report or
18 what kind of -- how it should look and what information it
19 should contain.

20

21 So it's up to the Council to decide how
22 they want to do that.

23

24 CHAIRMAN GARZA: And what kind of time line
25 are we looking at Fred?

26

27 MR. CLARK: There are no set dates.

28

29 CHAIRMAN GARZA: Okay. What is the wish of
30 the Council?

31

32 MR. CLARK: Madame Chair.

33

34 CHAIRMAN GARZA: Fred.

35

36 MR. CLARK: I would also -- even though
37 there are no set dates, there is kind of a general time
38 line that the Board likes to have those things in. It's
39 usually reviewed over the winter and then take it up by the
40 Board in the spring.

41

42 Thank you.

43

44 CHAIRMAN GARZA: So are we one year off
45 since winter's almost over?

46

47 MR. CLARK: No, I think I was just
48 confused, that's all.

49

50 CHAIRMAN GARZA: Okay. So we should do it

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1 now?

2

3

MR. CLARK: Yeah, now is the time to do it.

4

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CHAIRMAN GARZA: So maybe as a Council, right now, we can think of ideas that should be in the annual report, things that have bugged you or that we're not addressing properly. On occasion, we should also thank the Board for actions that they have taken since we tend to be one of the more critical annual report writers around.

One of the points that I put down on the annual report that should be there is the whole issue of hunting from a boat. I think we need to write something in there.

MR. ANDERSON: Madame Chairman. I would think allocations of subsistence fishing should be stated in there. Take for instance, Kake, we go about 30 miles to get 10 fish and it's cost prohibitive for people that do not have jobs and things of that nature, so the allocations should be increased there.

CHAIRMAN GARZA: Okay. So part of the issue there is that when we took over Federal fish we basically mimicked State regulations and your feeling is that those need to be changed to reflect the needs?

MR. ANDERSON: That's correct.

CHAIRMAN GARZA: Okay. So Dick were you happy with the proposals that we passed for your area after Hydaburg?

MR. STOKES: Yes, I am.

CHAIRMAN GARZA: So were we generally happy with the proposals that passed from Hydaburg and went to the Federal Subsistence Board?

MS. PHILLIPS: Madame Chair.

MR. LAITI: Madame Chair.

MS. PHILLIPS: Go ahead, Butch.

MR. LAITI: I don't know if this is the proper place, but on Page 30, Proposal 4, paragraph three.....

1 CHAIRMAN GARZA: Is this from the minutes?

2

3 MR. LAITI: Right. I still wanted Cal to
4 -- he was supposed to draw up maps showing the Federal
5 jurisdiction and I'd like to find out where he's at on
6 that.

7

8 CHAIRMAN GARZA: Cal.

9

10 MR. CASIPIT: We do have maps drawn and
11 they are still at the Department of Justice. We've been
12 trying to get them out of them for several months now. You
13 know, I guess there's really no excuse why they haven't
14 been published yet but it has to do with the conflicting
15 definition of marine waters that's in the final rule. And
16 we -- in fact, it's been alluded to before by Mr.
17 Littlefield that there's two definitions there. There's a
18 line drawn across the stream mouth at high tide or from
19 headland to headland as the rivers or other waters enter
20 the sea. That is causing some problems with our legal
21 folks and like I said they're still at DOJ. Perhaps Jim
22 Ustasiewski could give us an update on where those are. I
23 know he's been talking with Department of Justice attorneys
24 for awhile.

25

26 CHAIRMAN GARZA: Jim.

27

28 MR. USTASIEWSKI: Madame Chair. Thank you,
29 Cal.

30

31 (Laughter)

32

33 MR. USTASIEWSKI: I'm not sure what I can
34 say. I guess the issue that we have, is as Cal mentioned,
35 stems from the definition in the regulations. If you apply
36 that definition in Southeast Alaska, you would draw the
37 maps, the line one way, I think a fairly expansive way, but
38 as I understand it the intent of that definition relates to
39 the Katie John case, which I hope to be able to give the
40 Council an update about later today. The intent of the
41 Federal Subsistence Program with respect to fishing in
42 navigable waters was to address areas where the Federal
43 government holds a reserved water right. And those areas
44 may be less inclusive -- may be less broad than the way the
45 definition would be applied. So I'm not sure we can hang
46 it all on the Department of Justice, I think there's an
47 issue in our regulations about how to draw these lines.
48 That if we draw them according to the principle in the
49 Katie John case, we would draw them in one location, if we
50 draw them just simply looking at the definition of marine

00106

1 waters, the line would be in a different place, it'd be
2 farther out to sea -- or more inclusive of what we might
3 call marine waters or mixed salt and fresh water. So there
4 definitely is an issue there that needs to get resolved.
5 It needs to be clear to the subsistence user where they can
6 fish and where they can't. I think we're trying to be
7 careful about where we draw that line so we don't have to
8 draw it a second time.

9
10 Thank you, Madame Chair.

11
12 CHAIRMAN GARZA: So perhaps this is
13 something that we could also put in our annual report is,
14 which definition we think should be supported and that
15 would be the more expansive one. If everyone's weighing in
16 and debating on it, then it's something that this Council
17 should make a decision on or a position on and take it as
18 far as we can.

19
20 John.

21
22 MR. LITTLEFIELD: Madame Chair, and Jim.
23 Isn't there also a Solicitor General's opinion that that
24 jurisdiction goes 60 miles out so I don't know if I'd want
25 to weigh in on either one of those because we may be
26 limiting ourselves.

27
28 CHAIRMAN GARZA: But we could put in the
29 annual report that we support the most expansive definition
30 to allow for customary and traditional uses of fishery
31 resources that we have used for millennium. We'll go for
32 60 miles.

33
34 MR. KOOKESH: Madame Chair.

35
36 CHAIRMAN GARZA: Floyd.

37
38 MR. KOOKESH: I've only been on this
39 Council since last October and one of the problems I've
40 always viewed from becoming a new Council member that there
41 had never been a process for orientation and I note that we
42 are talking about the annual report to the Secretary and I
43 know that you have a very valid concern. I think in order
44 for me to understand the process I had to -- I've given
45 Lonnie the document that I have on Section 805(d) 1, 2, 3
46 and 4, and to -- I guess what I'm getting at is you're
47 calling for us to do an annual report and this is a process
48 where we're trying to learn and I'd like to believe that
49 the annual report will contain all this information that's
50 written in here which calls for -- it's an identification

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1 of current and anticipated subsistence uses of fish and
2 wildlife populations and also the evaluation of current and
3 anticipated subsistence needs. Is that -- are we going to
4 address all that kind of material? Because you know, I'm
5 not really up to speed on the annual report process either?

6
7 MR. CLARK: Madame Chair.

8
9 CHAIRMAN GARZA: Fred.

10
11 MR. CLARK: I think you should be on the
12 committee that writes the annual report then. I think --
13 no, just kidding -- what I can do, if it would be
14 beneficial is assemble the last several annual reports into
15 a package and send those out for people to look at for a
16 model for the type of thing that's been done in the past by
17 the Council. And then we can have a teleconference -- set
18 up a teleconference or individuals can call me to walk
19 through the process. But essentially it all is right there
20 in Section D, 1, 2, 3 and 4, those are the things that the
21 Council has considered in the past annual reports.
22 Sometimes it's more detailed in one area or another. And
23 the items that kind of get checked off as a laundry list,
24 as it were, of issues that the Council wants to address can
25 fit into those categories in a number of ways.

26
27 So it's kind of a -- it starts out as a
28 brainstorming and then it becomes more focused as you go
29 through and developing the annual report. So what Dolly
30 was looking for, I believe, is just kind of an issue
31 develop, you know, idea-developing thing where you just
32 develop things that might go into the report and then that
33 eventually works into the format of the report.

34
35 MR. KOOKESH: Yeah, because it's my
36 understanding that since there was a Federal takeover most
37 of us or about half of us are brand new on this Council and
38 we are still in this role of finding our comfort zone, and
39 I think that compiling all the annual reports and giving us
40 that opportunity to crash course that section, one of many
41 sections in this document, I think would be helpful to all
42 of us. Because I'd like to be able to believe that when I
43 reference this I'll know what kind of document is going out
44 there.

45
46 CHAIRMAN GARZA: So maybe including also
47 with that, would be the four areas that should be addressed
48 so that Council members can look at it and say, okay, this
49 is my concern relative to this item since we don't all flip
50 open ANILCA to 805(d) or whatever it is.

1 MR. CLARK: Right. I even have a little
2 sheet I can copy for folks on that. Essentially, do you
3 want me to just go through the four of them?

4
5 CHAIRMAN GARZA: Sure.

6
7 MR. CLARK: First is an identification of
8 current and anticipated subsistence uses of fish and
9 wildlife populations within the region. So it's current
10 and anticipated subsistence uses, identify those. And then
11 evaluate current and anticipated subsistence needs for fish
12 and wildlife populations within the region. It's pretty
13 similar between those two things, identification and
14 evaluation. The third is a recommended strategy for the
15 management of fish and wildlife populations within the
16 region to accommodate subsistence uses and needs.
17 Recommendations concerning policies, standards, guidelines
18 and regulations to implement the strategy.

19
20 So you identify the uses and the resources,
21 you evaluate kind of the status of those uses and
22 resources, recommend a strategy and then recommend the
23 policies, standards and guidelines to accomplish that
24 strategy. And that's the ideal.

25
26 These annual reports are done very
27 differently in different regions across the state. And
28 this Council has done it very differently from year to year
29 to year. I think that the last time we did it, the Council
30 was interested in following the four step guideline. Just
31 addressing each of these points individually in the report.
32 But we'll have other chances to address this, too. We
33 could even -- it doesn't have to be finalized before the
34 fall meeting, we can finalize the report at the fall
35 meeting. So before the meeting starts even, in Yakutat, if
36 that's where the Council still wants to have their meeting,
37 we could get together and do an in-person crash course or
38 do a review of the annual report. You know, kind of a
39 separate deal from in-Council session. That might be just
40 what you're looking for, Floyd.

41
42 MR. KOOKESH: Well, I understand from
43 Lonnie that this was done before. And as a new member, a
44 new Council member, all I'm trying to do is follow that
45 Title VIII, based on what's in front of me because I don't
46 have any orientation other than the document -- the wording
47 that Chairman Thomas told us was to read Title VIII, he
48 always placed very strong emphasis on that and I'm trying
49 to take advantage of that opportunity every chance I get
50 between being the Mayor and doing this job.

1 CHAIRMAN GARZA: Okay, so to try and move
2 this along then, we'll ask Fred to send copies of our last
3 annual reports to all Council members, along with his one-
4 pager of what kind of content we'd like to see in the
5 annual report and, if possible, to pull together a
6 teleconference sometime before our fall meeting to get an
7 idea of what the concerns are from the Council members with
8 the intent to wrap it up at our fall meeting. Is that
9 okay?

10
11 (Council members nod affirmatively)

12
13 MS. PHILLIPS: Madame Chairman.

14
15 CHAIRMAN GARZA: Patricia.

16
17 MS. PHILLIPS: I'd like, if possible, to
18 include in the annual report a recommendation to establish
19 a protocol between the State and the Federal, like an MOU,
20 to deal with conflicting State and Federal regulations.

21
22 CHAIRMAN GARZA: It's my understanding that
23 there is an MOU between State and Federal. I think we're
24 basically not a part of it. It's the Federal Subsistence
25 Board.

26
27 MS. PHILLIPS: What I mean is like the
28 shooting from a boat, we have a conflicting State reg
29 versus Federal reg, and that some sort of protocol needs to
30 be established to bring them in alignment.

31
32 CHAIRMAN GARZA: Then maybe what we're
33 looking at is more along the lines of ad hoc committees
34 because there is an MOU.

35
36 MS. PHILLIPS: Right.

37
38 CHAIRMAN GARZA: And so that's probably
39 what they'd tell us, but perhaps based on issues, we can
40 request a working committee between Regional Advisory
41 Council members and whoever is relevant in the State to sit
42 down and try and hack something out. Because I think if we
43 don't make it specific to us then it will just be somewhere
44 above us.

45
46 MS. PHILLIPS: I see.

47
48 CHAIRMAN GARZA: Does that sound right?

49
50 MS. PHILLIPS: Sounds good to me.

1 CHAIRMAN GARZA: Mark, did you have
2 something to say?

3
4 MR. JACOBS: Plenty.

5
6 CHAIRMAN GARZA: Okay. We're trying to
7 stick to an agenda, so this is on the annual report.

8
9 MR. JACOBS: This is on your annual report.

10
11 CHAIRMAN GARZA: Okay, for her, please
12 state your name, because she transcribes everything, for
13 Teresa.

14
15 MS. JACOBS: Mark Jacobs, Jr., Sitka
16 Alaska, member of the Central Council. I've been on the
17 tribal government for 32 years and never lost an election
18 in that area. I've been directly involved in Native
19 affairs. The Tlinget-Haida is a result of a land claims
20 suit that was a trespass suit, we claimed all the lands and
21 waterways but there's adverse possessions that came and now
22 you're talking about the conflict of regulations and other
23 things. But I say that when a regulation is made adverse
24 to the Native right, I still say that regulations and
25 statutes must come from the law, and not regulations -- not
26 law coming from the regulations. I think that's a doctrine
27 to remember that.

28
29 The law must be the forefront. As
30 indigenous people, we have sovereign rights. Recently we
31 had it with the state of Alaska, an MOU, Memorandum of
32 Understanding. 1878 United States Congress outlawed
33 treaties. What is an MOU? It's just another name for a
34 treaty. And now these departments that are struggling with
35 Native rights are coming up with memorandums of agreements.
36 The recent meeting we had in Anchorage with the Attorney
37 General, State of Alaska, pushing an MOU with government to
38 government relationship was placing himself and State of
39 Alaska as paramount law. On this point I'd like to say
40 that the aboriginal inherent rights of sovereignty is the
41 law. The rest of it is populated to Alaska that petitioned
42 the United States Congress for statehood. When Congress
43 acted on that particular petition, any territory that is
44 admitted to the Union is required to place in its
45 constitution wording that is recognizing the inherent right
46 of indigenous people in that area where the state is
47 granted statehood. You'll find that in Article 12, Section
48 12. You can walk across the street to the legislative
49 office and get your copies of the state constitution. It
50 says forever, claim any right or title or any land that is

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1 in control of the Federal government, including fishing
2 that is owned by the Indian Eskimo and Aleut. And now
3 we're struggling with the regulations and interpretations
4 and definitions. We went through this process of
5 interpretation of the language. First it was subsistence,
6 then it was rural and then other things come in.

7
8 And I want you to know that state of Alaska
9 has lost every lawsuit in higher courts. And now this
10 Katie John case is appealed to the United States court for
11 review. I want you to know that's a danger thing for the
12 Indian people. I think I'm one of the very few Indian
13 people that has come before the United States Supreme Court
14 on the issues of Indian rights. The Supreme Court it says,
15 do not take your problems to the Supreme Court, you're
16 agenda is with the United States Congress, the Supreme
17 Court is the end of the road for your rights. And Sandra
18 O'Connor says, no, it's not the end of your rights. If
19 this detrimental ruling comes from the United States
20 Congress by a White man or non-Native, then you have a
21 right to challenge it. You go to the United States
22 Congress to change it.

23
24 Now, there's a lot of things now that's
25 going on here. We've bent over backwards, MOU's is one of
26 those things that comes to mind, that we're already down on
27 our back and yet the opposition wants us to lay down
28 further than laying on our backs. This has happened so
29 many times. Challenging on some issue. It gets so
30 ridiculous at times. Head counts for rural area. All
31 these different things that took place. Now, we've won
32 these all cases all the way through and I think we can keep
33 winning.

34
35 Thank you.

36
37 CHAIRMAN GARZA: Thank you, Mark. Okay, so
38 we need to move on to Tab E, Office of Subsistence
39 Management presentations. We have eight subjects, from
40 customary trade to travel voucher process.

41
42 MR. LaPLANT: Madame Chair, my name is Dan
43 LaPlant with the Office Subsistence Management. And I was
44 prepared to give the Office of Subsistence Management
45 report this morning as part of a team but the other half of
46 my team hasn't arrived yet, he's scheduled to come in on
47 the flight this morning. So I can proceed with the half
48 that I'm prepared to deliver and you could have him give
49 his later on, we would appreciate that.

50

1 If you look under Tab E there are.....

2

3 MS. WILSON: Madame Chairman, what's his
4 name?

5

6 CHAIRMAN GARZA: Your name.

7

8 MR. LaPLANT: Madame Chair and member
9 Marilyn Wilson, my name is Dan LaPlant with the Office of
10 Subsistence Management. There are eight items under Tab E,
11 customary trade being the first one and I will speak to the
12 customary trade issue and then I will also move on down the
13 list and speak to you about the statewide rural development
14 determination process and then the in-season delegation to
15 field managers in 2001. And I'll also speak to you a bit
16 about the Council members participation in the MOA protocol
17 development. Mr. Doug McBride will address the other
18 issues when he arrives.

19

20 Under customary trade, just a small report
21 there. The customary trade committee is just getting under
22 way. They've established -- or scheduled their first
23 meeting to take place on April 24th and 25th in Anchorage.
24 Each Council has one member that will be on that customary
25 trade committee and I'm not sure who on this Council that
26 is. But the Chairman has nominated one Council member from
27 this Council to participate on that committee, so there's a
28 total of 21 members on the committee, again, with 10
29 Council members being part of that 21. Mr. Pete Probasco
30 from our office is the Chairman of the committee and the
31 committee will begin on April 24th and 25th by reviewing
32 historical data that they have available to them and other
33 information. So there's no progress to report at this
34 time, just that they've agreed on a date to begin and
35 hopefully they'll have a successful effort in front of
36 them.

37

38 CHAIRMAN GARZA: Just as a point, I was
39 appointed to the C&T committee, however I will miss the
40 first meeting so Bill has agreed to go for me, it's
41 scheduled for April and Forest Service is having a
42 conference during that same week that I can't miss.

43

44 MR. LaPLANT: Thank you. I know they've
45 had difficulty identifying a starting meeting and it's
46 difficult to get that many people together so that's one of
47 the reasons they're running behind scheduled or the time
48 period they anticipated getting moving forward on.

49

50 The next item is statewide rural

1 development process. Last summer the Board directed the
2 Staff to contract with a third party to develop a
3 methodology for making statewide rural determinations using
4 the 2000 census information and that information, as you
5 know, is just coming out now.

6
7 CHAIRMAN GARZA: You jumped to item 5 then?

8
9 MR. LaPLANT: Yes, Madame Chair I did.

10
11 CHAIRMAN GARZA: Okay.

12
13 MR. LaPLANT: The other items will be
14 covered by Mr. McBride when he arrives.

15
16 CHAIRMAN GARZA: Okay.

17
18 MR. LaPLANT: Yes, this is under Item 5.
19 The contract that will be developed -- under development,
20 excuse me, throughout the next couple months and we hope to
21 have the contract in place this summer and as soon as it's
22 awarded, approximately six months later we're expecting to
23 have a draft methodology presented by the contractor to us.
24 The Councils are going to be participating in the process
25 and will have opportunities to comment and make
26 recommendations on the methodology and to comment on
27 proposed rural/non-rural designations that results from
28 this methodology in the following schedule.

29
30 First of all, there are three Council
31 members that sit with the Board when the Board is briefed
32 on the statewide rural determination process and therefore,
33 they're able to monitor the progress, they're able to raise
34 concerns and offer comments at that time. So there has
35 been three Council members who have been sitting with the
36 Board since this issue was being discussed.

37
38 Secondly, during the winter and spring of
39 2002 at the Council meetings, the Councils will have the
40 opportunity to comment and make recommendations on the
41 proposed methodology for making a rural and non-rural
42 determination. So by next winter we'll have this draft
43 methodology in front of us and it will be brought to the
44 Councils for your input. And then in the fall of 2002, at
45 the Council meetings, we anticipate having the proposed
46 rural/non-rural determinations that are a result of the use
47 of that methodology, we'll have that available for the
48 Councils to review and comment on as well. So there's
49 three opportunities there for Council involvement.

1 The next item is Item No. 6, in-season
2 delegation to field managers in 2001 and beyond.

3
4 CHAIRMAN GARZA: Just a minute.

5
6 MR. LaPLANT: Yes.

7
8 CHAIRMAN GARZA: Okay. Were there any
9 questions on Item 5, rural determination process?

10
11 MS. PHILLIPS: Madame Chair.

12
13 CHAIRMAN THOMAS: Patricia.

14
15 MS. PHILLIPS: Have you hired the
16 contractor for the rural determinations?

17
18 MR. LaPLANT: No we have not. We expect
19 that to happen within the next few months.

20
21 MS. PHILLIPS: Is that a bid process or how
22 are you going to determine who the contractor will be?

23
24 MR. LaPLANT: Yes. Once the contract is
25 developed an RFP will be out and organizations will have an
26 opportunity to bid on it.

27
28 CHAIRMAN GARZA: John.

29
30 MR. LITTLEFIELD: When is the final rural
31 expected on this after the fall 2000 [sic] meeting, when
32 would the determinations be published?

33
34 MR. LaPLANT: Well, I believe that it's
35 going to be up to the Board, but the schedule there is that
36 the methodology will -- the rule that adopts the
37 methodology will take place shortly after and then it will
38 begin to be implemented so that we'll be able to apply that
39 methodology and have some draft information for the Council
40 to look at in the fall of 2002. So I guess by that
41 schedule we would anticipate it being in the Federal
42 Register sometime in the summer -- spring/summer of 2002.

43
44 MR. LITTLEFIELD: As I read the regs, any
45 determinations that are made would take five years before
46 they were implemented; is that correct?

47
48 MR. LaPLANT: Madame Chair. The way I
49 understand it is any decisions that are made that remove
50 the rural status from any area, it would be a five year

1 process for that change to take place from rural to non-
2 rural. I believe any change that brings a community into
3 rural status would take place immediately.

4

5 MR. CLARK: Madame Chairman.

6

7 CHAIRMAN GARZA: Fred.

8

9 MR. CLARK: I think Patty's question had
10 two parts. Was the last part, how is the selection of the
11 contractor going to be made, is that part of your question?

12

13 MS. PHILLIPS: I would think so.

14

15 MR. CLARK: I think so. There's kind of a
16 technical review committee that was put together to develop
17 the request for proposal. My understanding is that those
18 people will play some role in evaluating the people who are
19 applying for the contract but that the actual decision will
20 probably be made by the Federal Subsistence Board; is that
21 correct?

22

23 MR. LaPLANT: Yes, that's correct. There
24 is a technical review committee that's made up of some
25 anthropologists and other Staff members from the various
26 Federal agencies. But the final decision, yes, will be
27 made by the Federal Subsistence Board.

28

29 CHAIRMAN THOMAS: Okay. And then -- okay,
30 John.

31

32 MR. LITTLEFIELD: One more question is,
33 what are the opportunities for public comment? I know we
34 have three times that we will see this, what will the
35 opportunities be for the public and also affected
36 municipalities to comment on the methodology?

37

38 MR. LaPLANT: Madame Chair, member
39 Littlefield. The public comment period, of course, -- one
40 of the opportunities for public comment is through the
41 Regional Councils. So at Council meetings like this in the
42 spring and fall, the public will have the opportunity to
43 express their concerns to the Council and then the Council
44 can carry that message to the Board. The other
45 opportunities for the public to comment is when the
46 regulations get published in the Federal Register. There
47 would be a period of time there, probably 60 days when the
48 public will have an opportunity to express their comment
49 directly to the Board.

50

1 CHAIRMAN GARZA: Mark.

2

3 MR. JACOBS: Thank you, Madame Chairman.

4 This rural status has always been a great interest.....

5

6 CHAIRMAN GARZA: Please state your name

7 again.

8

9 MR. JACOBS: Mark Jacobs, Jr., Sitka,
10 Alaska. 77 years old, an expert in Indian law as compared
11 to White man's law. I want to say that what the state of
12 Alaska has been using to determine rural status, at first
13 they told me that head count was what was going to
14 establish rural status, they said 2,500 would be the cutoff
15 of that status as a tribe. Sitka at that time at 8,300
16 people and we had a fight on our hands to keep Sitka rural.

17

18 I took part in the Alyeska Fish and Game
19 meeting that was to determine rural and urban. It was
20 advertised for Anchorage, I arrived there at 1600 to my
21 tribe and I'm not a person that comes by Indian time. The
22 lobby was full of Fish and Game people, there were three
23 buses that were going to move to Alyeska, I was able to
24 board one of the buses to travel to this point. But what
25 had happened was the public notice that this was going to
26 be in Anchorage was not working. A lot of the Native
27 people that came from rural areas, outlying areas, at the
28 cost of over a thousand dollars, probably cost more than
29 myself, was left behind and did not take part in this
30 particular determination of what rural is.

31

32 We were successful in keeping all of
33 Southeastern Alaska as rural because we have no outlets and
34 highways, except in Haines at that particular time which is
35 fed by the ferry system. Now, they told me that census
36 will be used to determine what rural is, and I was worried
37 about Sitka. They said it would be cutoff at 2,500, so my
38 response was that along the Arctic Coast you'll find Eskimo
39 villages with approximately 2,500 people, it's very
40 possible you'll find one that has exactly 2,500; is it
41 rural or is it urban? Well, the law says it would be
42 rural. Then a young lady delivers a baby the next few
43 days, is it still rural? No. The law says it's urban now
44 because we have 2,501. Then a few days later an elder
45 dies, does it go back to rural? I said how ridiculous can
46 you get to deny me of my dry fish. A head count, you
47 cannot use because it's a violation of the census laws. I
48 think there's determinations of what rural is. Sitka is
49 rural. You can't drive to Sitka by car, you have to paddle
50 there or whatever, no, I'm going to stay in this fight

1 until I lay down, that Sitka will remain rural and the
2 population will have no effect on it.

3
4 We started a petition in Sitka and over 700
5 non-Natives that signed our petition that they use the
6 resources to pickle fish, to ice fish, to dry fish and make
7 kippered salmon. All these different kinds of uses that
8 are used by Sitka's local people. So we had support of
9 non-Native people to keep Sitka rural. And believe me, I
10 think we'll keep it rural, and I want your help.

11
12 Thank you.

13
14 CHAIRMAN GARZA: I certainly can't speak
15 for every person on the Council, but I would hope it's our
16 intent to keep Sitka rural and I hope that we would expand
17 our efforts to try and meet the needs of Juneau and
18 Ketchikan Natives who still are customary and traditional
19 users. We also have residents in Douglas who would like to
20 have the rural status and we need to, as a Council, work on
21 this process so that we can help our relatives in different
22 communities. So it made me think of one question for ADF&G
23 subsistence, is that, will there be subsistence data for
24 Sitka, Ketchikan, Juneau and Douglas regarding their uses
25 of subsistence resources? Where's Mike.

26
27 MR. CLARK: Madame Chair.

28
29 CHAIRMAN GARZA: Okay, go ahead, Bob.

30
31 MR. CLARK: I'll yield to Bob, but we do
32 not have a representative from Alaska Department of Fish
33 and Game, Division of Subsistence at the meeting.

34
35 CHAIRMAN GARZA: Bob.

36
37 MR. SCHROEDER: Madame Chair. There will
38 be updated information for some of the communities. There
39 will not be updated information of the same format that
40 you're used to for Juneau, Douglas and Ketchikan. So Sitka
41 will be in good shape in terms of data, probably not as
42 good data for Juneau, Douglas and Ketchikan.

43
44 CHAIRMAN GARZA: Tell Salena your name.

45
46 MR. SCHROEDER: Excuse me, Bob Schroeder.
47 Juneau Forestry Sciences Lab.

48
49 REPORTER: Thanks.

1 CHAIRMAN GARZA: So is there a process that
2 we can support or direction that we should give that might
3 help Juneau, Ketchikan and Douglas in terms of getting that
4 kind of data if they intend to go forward with establishing
5 themselves as a rural community? It's a process that
6 Juneau has brought to us several times and it was brought
7 to us from Douglas. Ketchikan feels like they don't have
8 any hope but I think that there possibly is hope. Ida.

9
10 MS. HILDEBRAND: Thank you, Madame Chair.
11 Ida Hildebrand, BIA Staff Committee member. As Dan was
12 explaining, the process is just being developed. There has
13 been a statement of work developed that whoever seeks to do
14 this work will bid for and in that review whoever gets the
15 bid would have to review the current regulations which
16 still apply, 2,500 or less assumed, presumed rural; 2,500
17 to 7,000 can be either rural or non-rural; 7,000 and above
18 are presumed non-rural. And these are presumptions that
19 are rebuttal. Therefore, those communities can present
20 evidence or can present testimony stating they are still
21 rural.

22
23 In the meantime, directly to your question, if you
24 have these concerns, I would suggest that you write to the
25 Office of Subsistence Management to the attention of the
26 panel that's developing the methodology.

27
28 CHAIRMAN GARZA: Okay, so I've got that
29 down, Ida, thank you. Your next item.

30
31 MR. LaPLANT: I just want to reemphasize,
32 the Council will have an opportunity to comment on the
33 draft methodology in next winter's meeting. So, you know,
34 this process is just beginning so there's several
35 opportunities for the Council to be involved.

36
37 The next item is in-season fisheries
38 management delegation to field unit managers. During the
39 February 26th meeting of the Federal Subsistence Board,
40 they expanded delegation for in-season fisheries management
41 to selected field managers for the 2001 season. As you may
42 know last year the Board delegated time and area decision-
43 making to some selected field unit managers and it was just
44 time and area designation authority only. This authority
45 that they've been given will enable the managers to make
46 decisions regarding gear, permits, harvest and possession
47 limits. The intent is to provide Federal managers with
48 authorities equivalent to that which the State fisheries
49 biologists have when they issue emergency orders. And this
50 way Federal managers will be able to have the flexibility

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1 to be able to respond as quickly as the State has in making
2 fishery management decisions during the season, and the
3 purpose, of course, is to protect the subsistence priority.
4

5 Federal managers are expected to maintain
6 close communications with the Board whenever in-season
7 actions are being considered to assure the Board that
8 ANILCA mandates are being followed. The Board is also
9 concerned that subsistence users and Councils know that
10 their relationship is in no way diminished by this
11 delegation. Should anyone feel that it's necessary to
12 challenge any decision by an in-season manager, the special
13 action process is available and it would bring this issue
14 to the direct attention of the Board. So we're looking
15 forward to this special authority for in-season managers,
16 as I said, to protect the subsistence priority this summer
17 and enable them to respond quickly to situations that
18 change throughout the summer.
19

20 Any questions on this issue?
21

22 CHAIRMAN GARZA: John.
23

24 MR. LITTLEFIELD: In the Hydaburg meeting,
25 Dan, we had several people who presented -- or had problems
26 with the in-season management there, is that an attempt to
27 make sure that the managers can intercede in State
28 operations; is that what this is?
29

30 MR. LaPLANT: The way I understand it is,
31 last year they didn't have as much authority as the State
32 managers had so they weren't able to respond as quickly as
33 the State managers could respond so they weren't able to
34 look out for -- and maybe Cal or Dave have some more
35 pertinent information to that question.
36

37 CHAIRMAN GARZA: Go ahead, Dave.
38

39 MR. JOHNSON: Specifically to last year in
40 Hydaburg, the issue dealt with saltwater and my
41 understanding is that under the current interpretation we
42 still do not have in-season management authority for
43 saltwater. So unless the concern is with respect to fresh
44 water in-season management decisions, in-season managers
45 still will not have that authority. Is that correct?
46

47 MR. LaPLANT: Right. These regulations
48 don't pertain to marine waters, correct.
49

50 CHAIRMAN GARZA: So when we first started

1 managing games there were several instances where there
2 were needs for in-season changes for moose hunting in the
3 Wrangell area, I can't remember what else, but I know that
4 Council members, at least some Council members were
5 contacted regarding that to make sure that we understood
6 what was happening and that we could support that change.
7 So what you're saying is that something like that process
8 will continue with fish?

9
10 MR. LaPLANT: Madame Chair, the process
11 with fish is intended to be able to respond much quicker,
12 you know, things happen a lot faster with fish runs
13 throughout the season. So the authority our field people
14 have had in the past through the special action process has
15 been a bit cumbersome. It will continue to be used with
16 wildlife management and we'll continue to do our best with
17 that but it's much more necessary to have an ability to
18 respond quicker with fisheries management, and this in-
19 season management just pertains to fisheries management.

20
21 CHAIRMAN GARZA: John and then Cal.

22
23 MR. LITTLEFIELD: Thank you, Madame Chair.
24 Dan, will there be any ability of the in-season managers,
25 say in this area, to respond to something that happened
26 last year, which was opening up Red Fish Bay and I'm sure
27 you're aware of that, there was a court case on that, if we
28 see something like that happening, what is the ability of
29 the in-season manager to take action in that case?

30
31 MR. LaPLANT: Well, I can -- the in-season
32 management authority that they've been given deals with
33 gear, permits, harvest and possession limits, so if we can
34 solve the problem by modifying those -- or making those
35 changes, the in-season managers will have that authority.
36 I'm not real familiar with the situation you're describing
37 so I don't know if that answers your question or not, but
38 it is giving them the gear permits, harvest and possession
39 and also before they had the time and area decision-making
40 authorities so that will continue as well.

41
42 CHAIRMAN THOMAS: Okay, Cal.

43
44 MR. CASIPIT: Thank you, Madame Chair.
45 First I'd like to -- I wanted to more directly address your
46 question, Dolly, about the level involvement of Council
47 members in the in-season management process. There is
48 requirements for the delegated in-season managers to
49 consult with Regional Council members regarding any in-
50 season actions that they may take. That's right in the

1 delegation letters and it's expected of the in-season
2 managers that they do consult with Regional Council members
3 if they're anticipating any in-season actions.

4
5 To answer Mr. Littlefield's question more
6 directly on Red Fish Bay, the illegal fishing activity that
7 occurred, to my understanding occurred in marine waters,
8 you know, for the Federal Subsistence Program to intervene
9 in that situation would have required extra-territorial
10 jurisdiction under the regulations as they are right now.
11 So as far as what happened at Red Fish Bay, there would be
12 very little that an in-season manager could do about that
13 situation, unfortunately.

14
15 Thank you.

16
17 CHAIRMAN GARZA: Dave.

18
19 MR. JOHNSON: Madame Chair, we've already
20 had a situation this year, as you may be aware, in
21 Ketchikan on the Unik River, where the Regional Council,
22 through the Chair Bill Thomas, Jerry Ingersoll, District
23 Ranger, Federal law enforcement as well as State ADF&G
24 biologists, Commfish biologists and Forest Service
25 biologists actually were all involved in a collaborative
26 process to monitor that subsistence harvest that occurred
27 there. I think it's an excellent example of how
28 information can be gathered, how people can work together.
29 There was customary trade occurring with the hooligan as I
30 understand it, and basically the in-season manager, Jerry
31 Ingersoll was working, I think that's the process -- I
32 would defer to Mr. Thomas for his comments on how he
33 thought that process worked, but -- so in that regard there
34 will be a meeting April 12th in Anchorage for the in-season
35 managers that will further define these roles and
36 relationships.

37
38 Something that is not totally clear is the
39 memorandum of understanding with the State where the steps
40 that need to occur in how emergency closures as Dan alluded
41 to, some of these decisions need to be made fairly quickly.
42 I understand yesterday there was only a 15 minute opening
43 on the hooligan fishery so in terms of who to contact and
44 when, I think some of that will be some of the questions
45 that will probably occur on the April 12th meeting.

46
47 CHAIRMAN GARZA: The Unik fishery is
48 something I think we need to talk about when we talk about
49 Council proposals, because I think there needs to be
50 further refining. In terms of in-season management

1 changes, I understand that consultation with Council
2 members may be difficult if you need to close a fishery
3 quickly for conservation purposes or open it because
4 there's an abundance of resources, but we still need a
5 process to let the Council members know so we know what is
6 going on.

7

8 But I think that John's issue, more
9 generally, needs to be discussed and perhaps we could --
10 this is something we could put in the annual report, is
11 what do we do in instances where non-subsistence uses
12 affect the conservation of subsistence resources because
13 that was the whole issue with Red Fish Bay, is that, we
14 could have potentially wiped out a whole year class with an
15 illegal activity. Is that it John?

16

17 MR. LITTLEFIELD: That's correct, Madame
18 Chair. My estimates that I was able to gather was
19 approximately 38,000 or so of the highest 40,000 fish
20 escapement that have been at that -- in that area were
21 taken legally or illegally and my concerns for the in-
22 season managers are that they -- if the fishing is allowed
23 in there, that's a bay area, where it goes into a -- Red
24 Fish Bay is like a fjord, what you would call a fjord, and
25 once the fish go in there, they basically do not back out
26 of that area. By allowing the State to fish in there on a
27 resource that is heavily used and they have the potential
28 to wipe that run out, we have to have some means of input.
29 I don't know how it is or how this Council can direct that,
30 but to be hamstrung by just saying, we can't do anything,
31 jeopardizes the whole resource for us. And I want to see
32 us talk about this and how we can get this resolved so we
33 can work with the State to protect these areas.

34

35 Thank you, Madame Chair.

36

37 CHAIRMAN GARZA: Thank you, John.

38

39 MS. PHILLIPS: Madame Chair.

40

41 CHAIRMAN THOMAS: Patty.

42

43 MS. PHILLIPS: Can you explain this special
44 action process in a little more detail?

45

46 MR. LaPLANT: Yes. The special action
47 process is a process that we've had in place since the
48 beginning of the Federal Subsistence Program. It allows
49 the Board to receive information and make decisions on
50 seasons, harvest limits and so on in between -- or I

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1 should say out of cycle or in between their normal
2 decision-making processes, so that when special situations
3 come up, emergencies and so on they can be addressed.
4 Normally addressed by -- in emergency situations, the Staff
5 preparing a Staff analysis, coordinating with the Council,
6 making a recommendation for the Board and the Board taking
7 action. That process is a bit cumbersome at times because
8 it requires that communications and especially in the
9 summer when people are out and about and are not easy to
10 get ahold of. So sometimes even an emergency situation, it
11 may take several days, a week, to get a final decision
12 made. So that's the process that's been in place and
13 that's what has been used in the past. This is the intent
14 of this in-season management authority, is to be able to
15 streamline that decision-making process and be able to
16 allow the managers to make those in-season decisions to
17 prevent situations like John was talking about.

18
19 We don't want to short cut the involvement
20 of the Councils in this, we want to continue to have that
21 Council input and that's certainly not the intent of the
22 in-season management authority, it's to be able to provide
23 those with the authority to respond so that they can
24 protect the subsistence priorities.

25
26 CHAIRMAN GARZA: Thank you.

27
28 MR. CLARK: Madame Chairman.

29
30 CHAIRMAN GARZA: Fred.

31
32 MR. CLARK: Madame Chairman, I'd just like
33 to clarify that in both of these types of out of cycle
34 management techniques that the in-season management and
35 special actions, that not the entire Council gets involved,
36 usually it's the Council Chair and/or vice chair and the
37 Council members who are in the affected area or have
38 knowledge of the affected area. And with the in-season
39 management, there may be times when the Council is not
40 contacted because if it has to happen really rapidly but
41 every attempt will be made whenever possible to do so. But
42 again, it's not the whole Council for every decision at
43 that point.

44
45 CHAIRMAN GARZA: Okay, next item.

46
47 MR. LaPLANT: The next item is Item No. 7
48 on your list, it's Council member participation in the MOA
49 protocol development. As you may know the MOA that we have
50 with the Department of Fish and Game, five protocols are

1 identified. They are the regulatory coordination -- member
2 Phillips had mentioned the need for that, that is
3 identified in the MOA. We haven't moved very far with that
4 yet, but that's on the horizon. There's also a protocol
5 identified for fish and wildlife management planning. One
6 for information management, and that one is quite a ways
7 along. Another protocol for the amounts needed for
8 subsistence. And then the in-season management protocol
9 which is what we have -- we might want to call it a pilot
10 protocol for the Yukon River in-season management and that
11 one is pretty far along.

12
13 So as far as the Council participation in
14 these protocols or in the development of these protocols,
15 there's one Council member on each one of these protocol
16 committees. Back in February, February 6th and 7th at our
17 meeting in Anchorage when Fisheries Information Service
18 projects were discussed the Council Chairs got together and
19 they identified two Council members statewide to
20 participate in each one of these protocol teams. So again,
21 I don't have the names on each one of these protocol teams
22 and I don't know how many Southeast Council members might
23 be involved in these. But statewide there are two Council
24 members on each one of these protocols, and we're ready to
25 move forward.

26
27 We've had some problems, as you probably
28 have heard, with our agreement with the State in their
29 participation in the protocols and the latest word I have
30 on Wednesday, Tom Boyd and the Fish and Game Department had
31 gotten together and had come to an agreement on the funding
32 issues and I think they're ready to proceed. So hopefully
33 our next protocol meeting is scheduled for sometime in
34 April and I think that will continue and I think we'll be
35 back on course again.

36
37 CHAIRMAN GARZA: So have any of you guys
38 been appointed to any of these committees? We'll have to
39 talk to Bill about that. Okay, let's take a five minute
40 recess.

41
42 (Off record)

43
44 (On record)

45
46 CHAIRMAN GARZA: We have a lot left on the
47 agenda and we're running overtime and we got a party
48 tonight at the Tribal House at 6:30.

49
50 MR. LITTLEFIELD: Lunch today, too at

00125

1 11:30.

2

3 CHAIRMAN GARZA: We do have lunch today,
4 too, the dancers are doing a fundraiser, do you know what
5 they're serving John?

6

7 MR. LITTLEFIELD: Fish, again.

8

9 CHAIRMAN GARZA: Fish again, yum, yum.

10

11 MR. ANDERSON: How about fish eggs?

12

13 CHAIRMAN GARZA: Their spawn. Okay, we
14 still have quite a bit do to and we are running overtime.

15

16 MR. JACOBS: Never mind the overtime, let's
17 take care of business.

18

19 CHAIRMAN GARZA: That's what I'm trying to
20 do, Mark.

21

22 MR. JACOBS: Take care of it.

23

24 CHAIRMAN GARZA: Okay. So under the Office
25 of Subsistence Management presentations, did we have
26 someone who was doing the travel voucher or is that the guy
27 who is coming in?

28

29 MR. CLARK: Madame Chairman.

30

31 CHAIRMAN GARZA: Fred.

32

33 MR. CLARK: The Office of Subsistence
34 Management wanted me to put this on the agenda. They did
35 not provide any additional materials or anything or any
36 briefing for me on what should be presented so I can just
37 use this opportunity to remind the Council to return those
38 yellow sheets as soon as you're done traveling so you can
39 get your reimbursement as quickly as possible.

40

41 CHAIRMAN GARZA: Okay. So this is a
42 reminder to the Council members, we need to fill out those
43 yellow forms when we're done, submit them and that's about
44 it.

45

46 MR. CLARK: That's about it.

47

48 CHAIRMAN GARZA: Okay.

49

50 MR. CLARK: I would also add, kind of in

1 terms of staffing, the Office of Subsistence Management has
2 hired additional people to help out on travel so hopefully
3 some of the snafoos that have happened won't reoccur. I
4 think that they got some real good Staff now and I'm
5 optimistic that things will get ironed out in the near
6 future.

7
8 CHAIRMAN GARZA: Yeah, I don't think I've
9 had my travel cleared up for my last two trips.

10
11 Okay, so under Office of Subsistence
12 Management presentation, Carl Jack said that he could
13 report on at least one of those items. Carl.

14
15 MR. JACK: Thank you, Madame Chairman. I
16 will report on 9(d)(4), process to contract for resource
17 monitoring projects. So you can find it, it's in Tab E.

18
19 CHAIRMAN GARZA: Please identify yourself
20 for the transcript.

21
22 MR. JACK: The name is Carl Jack, Native
23 Liaison, Office of Subsistence Management.

24
25 CHAIRMAN GARZA: Thank you.

26
27 MR. JACK: You will find in Tab A [sic],
28 the first one is a transmittal letter signed by Mitch
29 Demientieff. This is the letter that went to the tribes on
30 about February the 13th. Following that is a proposed
31 partnerships in fisheries monitoring, a proposed RFP. This
32 project started less.....

33
34 CHAIRMAN GARZA: Carl.

35
36 MR. JACK: Excuse me.

37
38 CHAIRMAN GARZA: We have some Council
39 members who are still looking for that page.

40
41 MS. WILSON: It's not under Tab A.

42
43 CHAIRMAN GARZA: Tab E.

44
45 MR. JACK: Tab E, yeah.

46
47 CHAIRMAN GARZA: So it's after the
48 proposals. You got it Patricia?

49
50 MS. PHILLIPS: Okay.

1 CHAIRMAN GARZA: Marilyn.

2
3 MS. WILSON: Okay.

4
5 MS. PHILLIPS: Got it.

6
7 CHAIRMAN GARZA: Okay, go ahead.

8
9 MR. JACK: Okay. The reason why this
10 program was started was there were requests from the Alaska
11 Native organizations last year at the beginning when the
12 Federal government assumed fisheries subsistence
13 management. There were concerns from the Alaska Native
14 community for lack of tribal involvement in the way the
15 fishery investigation plans were developed. Meetings with
16 AFN, AITC and RuralCap were conducted on or about December
17 of '99 followed in January meetings. There were subsequent
18 meetings in Washington, D.C., involving the staff of OSM
19 and DOI personnel.

20
21 The program was developed whereby the
22 Office of Subsistence Management would be able to enter
23 into agreements with Alaska Native organizations or tribes
24 or tribal organizations, for them to allow to hire
25 biologists and social scientists where these people will be
26 able to help the fisheries monitoring program in getting
27 information on fish stock status and trends. And also it
28 would allow the tribes and tribal organizations to develop
29 their capacity in fish monitoring by having these people on
30 board. So that's basically what the program is about.

31
32 With respect to the time frame, the process
33 has started already. As I mentioned earlier, the proposed
34 RFP was mailed out to the tribes, tribal organizations on
35 about February 15th. Prior to that we had organizing
36 meetings with the Alaska statewide Native organizations as
37 to how best to conduct tribal consultation. And the RFP
38 method was selected -- were agreed to by the parties
39 involved. And the time frames -- approximate time frames
40 will be as follows: Review by the tribes and tribal
41 organizations from February to March 15th. And we have
42 received a number of comments on the proposed RFPs already
43 and we will start reviewing those on Monday. Sixty days
44 after that, probably on about -- the RFP will be issued,
45 put out to the streets so that the tribes and tribal
46 organizations will be able to develop proposals for these
47 positions that I mentioned. Sixty days after that will be
48 allowed for the proposals to be developed and submitted to
49 OSM and another 45 days will be allowed where by the Board
50 will be able to review and select the -- make selections on

1 the proposals. So roughly the time frame will put us
2 towards the end of September, whereby, hopefully, the
3 contracts or the agreements would be in place by that time.
4

5 How these agreements will be done will be
6 through 809 agreements. But it's important to understand
7 that the amounts that will be used to fund these projects
8 will be deducted from the fisheries monitoring projects.
9 So that's basically how this program will be conducted.
10 The comment period on the proposed RFP, again, has passed
11 and we will be reviewing the comments. We did receive one
12 substantial comment whereby the people in Bristol Bay
13 wanted to be detached from the Aleutians and Kodiak, mainly
14 because of what happened at the last Board of Fish meeting.
15

16 Thank you.
17

18 CHAIRMAN GARZA: So, Carl, on the letter
19 from Mitch speaking to the nine field positions within
20 Alaska, so those nine field positions will go to tribal
21 organizations throughout Alaska?
22

23 MR. JACK: That's correct. I think by the
24 -- there will be constraints. The nine, or perhaps now
25 we're talking about seven, mainly because some of the
26 agencies are experiencing fiscal constraints. There are
27 six geographic areas that were proposed, Seward Peninsula,
28 Kotzebue, Arctic, that's one. The YK is stand-alone. The
29 Yukon area is stand-alone. The Kuskokwim is stand-alone.
30 Bristol Bay, Aleutian, Kodiak area was proposed but as I
31 said earlier, we had strong comments from Bristol Bay to be
32 detached. And Southeast and Copper Center and the North --
33 the Gulf of Alaska is considered as one area.
34

35 CHAIRMAN GARZA: So if there's potentially
36 seven positions and six regions, then Southeast Chugach
37 would get one position and it would go to one tribe within
38 Southeast Chugach region?
39

40 MR. JACK: Now, possibly there's -- there's
41 a possibility and I'm saying this, that the Federal agency
42 that -- the Forest Service is experiencing funding
43 constraints and we have had very strong comments from the
44 other regions that because Forest Service funding
45 constraints and their inability to participate or putting
46 money towards this that they would not like to be penalized
47 for that. So.....
48

49 CHAIRMAN GARZA: John.
50

1 MR. LITTLEFIELD: Thank you, Madame Chair.
2 Carl, I generally would be in favor of this but when you
3 said the dollars were going to be deducted from our
4 fisheries monitoring programs, that raised a red flag with
5 me. We had to struggle in our February meeting to allocate
6 all these funds among all the projects and we had many
7 projects that had merit. The Forest Service already had a
8 reduction in funding. So I'm kind of concerned about this
9 money. I think one of the things we asked was that
10 additional money be asked for from the government to fund
11 these and I'd like to find out if that has been done, and
12 also if you could give me an idea of how much these nine
13 positions would cost and what it would cost the Southeast
14 region?

15
16 Thank you.

17
18 MR. JACK: When numbers were worked out per
19 position and as I understand it, entering into cooperative
20 agreements or contracts, is a little costlier than Federal
21 higher. So when the numbers were crunched, I think the
22 estimate was \$125 [sic] per person and when you multiply
23 that by nine or 10 it will put you over a million dollars,
24 so those are the rough figures that the agencies -- that
25 OSM is using as a guide.

26
27 It is my understanding that the Forest
28 Service, through their internal process is requesting more
29 funds since, I believe, that they didn't get all of the
30 funds that they requested in 2001 or 2.

31
32 CHAIRMAN GARZA: John.

33
34 MR. LITTLEFIELD: One of the questions that
35 I had, of that million, 125, how much would be apportioned
36 to the Southeast Region?

37
38 MR. JACK: Right now, you know, if OSM
39 follows the request from the other regions, then there's
40 likelihood that Southeast would be excluded from this
41 program since it's our understanding that the Forest
42 Service is experiencing funding difficulties. That's a
43 possibility. I'm not saying that it will but that's a
44 possibility.

45
46 CHAIRMAN GARZA: Okay. So what could
47 likely happen is if there is a fishery person for Southeast
48 through Forest Service that it would likely be hired into
49 the Forest Service and not into the tribe, that the money
50 would go to the Forest Service; is that what you mean?

1 MR. JACK: I think that.....

2
3 MS. KESSLER: Madame Chair, I'd like to
4 maybe offer some clarification about this, thank you.

5
6 CHAIRMAN GARZA: Please state your name for
7 Salena.

8
9 MS. KESSLER: This is Wini Kessler with the
10 Forest Service in Juneau.

11
12 The basic source of our difficulty here
13 from the Forest Service standpoint is that we are severely
14 underfunded from what we really require to carry out our
15 subsistence programs and obligations. We get a single
16 appropriation for subsistence and for the current year that
17 appropriation was 55 percent of what we truly required. So
18 this creates a lot of difficulty for us to meet the many
19 obligations that we have for subsistence, which includes
20 everything from law enforcement to supporting this Council
21 to our basic infrastructure that we have for subsistence
22 and so on. We place a lot of emphasis on project work so
23 that we can help develop the information needed to manage
24 the resources and provide for the subsistence use. So we
25 tried very, very hard in the current year to put as much
26 money as we possibly could towards the projects to go into
27 the fisheries information system.

28
29 We are faced now with this situation of the
30 partnership position had been put forward, of course, it'd
31 be a very desirable thing to support these positions but
32 the reality is we simply have no place where we could pull
33 those funds out except from the project monies and in our
34 view this would be a very huge impact on the program, on
35 the project and on the program, on the ability to gather
36 the data that we need. So we simply can't offer up support
37 for those positions unless it were to come out of the
38 fisheries information pot. And we seek your advice and
39 counsel on this. It's a very difficult decision and we --
40 any insights you can offer us out of this dilemma we
41 appreciate.

42
43 But there isn't a fisheries position in the
44 Forest Service that we're talking about. That's not even
45 on the table. These two positions are clearly intended for
46 the partnership position and, simply, the case is the only
47 money we have to offer them up would come out of the
48 project money. And we are talking about trying harder than
49 ever before to remedy this continual year to year shortfall
50 of funding but there's nothing we can do about the current

1 year. We received our allocation and there's nothing that
2 we could do in this year to get more money. All we can do
3 is try to work in the future towards presenting the
4 importance of this program more clearly and seek to acquire
5 funding at the level that's truly required.

6
7 MS. WILSON: Madame Chair.

8
9 CHAIRMAN GARZA: Marilyn.

10
11 MS. WILSON: Yes, Wini, is it possible for
12 us, as individuals or as a Council to write letters to our
13 Congressman and see if we can get our Forest Service
14 funding so we could fund our subsistence partnership
15 monitoring?

16
17 MS. KESSLER: Yes. That's probably our most
18 promising way to raise the attention and understanding
19 level in Washington, D.C., is for the users themselves, for
20 the communities of users, for the Council to help
21 communicate the importance of this and also help
22 communicate the consequences of when we're not sufficiently
23 funded. And any help that can be offered up in that
24 respect we'd much appreciate.

25
26 MS. WILSON: Madame Chair.

27
28 CHAIRMAN GARZA: Marilyn.

29
30 MS. WILSON: I could foresee that our
31 tribal councils, our traditional councils, our ANB, ANS and
32 everybody that's hit by this shortfall, that we could be
33 doing this letter writing to our Congressman. Thank you.

34
35 MS. KESSLER: Thank you.

36
37 CHAIRMAN GARZA: Okay, but we are looking
38 for direction from the Council on whether or not we would
39 support a position at the cost of reducing the amount of
40 money that would go towards the monitoring projects.

41
42 John.

43
44 MR. LITTLEFIELD: Madame Chair, as I stated
45 before, I believe this is a valuable program, however, I
46 would like to go on the record as opposing the support of
47 this program if it takes money out of Southeast subsistence
48 fisheries monitoring projects.

49
50 CHAIRMAN GARZA: Any other Council members

1 have any other positions?

2

3 MS. WILSON: Madame Chair.

4

5 CHAIRMAN GARZA: Marilyn.

6

7 MS. WILSON: From what I understand, only
8 one possibly from Southeast will be on this and when you
9 say, one, I'm not sure I understand if that's one tribal
10 entity or one representative that will be working with the
11 monitoring, could you explain that?

12

13 MR. JACK: Madame Chairman, Marilyn. I
14 think the number of positions, and this is my personal
15 opinion, I think the number of positions will kind of steer
16 the organization -- I mean the steer the position to an
17 organization that have kind of like regionwide standing.
18 One that will work with most of the tribes within the
19 region rather than a single tribe that would work on its
20 own interest. I think that's the direction that these
21 agreements -- or the way the person will work or carry out
22 his responsibility, would be for the benefit of a number of
23 villages within the geographic area.

24

25 CHAIRMAN GARZA: Okay. I would also like
26 to on record that I agree with John. I think that if we
27 have limited money that we should maximize the amount of
28 money that goes towards the fishery monitoring projects
29 because we do have a number of tribes, as well as community
30 organization efforts that are applying for these monitoring
31 projects and that's part of their capacity building and it
32 brings the research and the monitoring to the communities
33 where I think they can be far more effective. And so I
34 would really support leaving that money for monitoring
35 projects, because 125k could fund several projects in
36 Southeast.

37

38 Floyd.

39

40 MR. KOOKESH: Yes, I happen to believe that
41 the partnership program is valuable because of the tribal
42 involvement, but I believe because it came after our
43 approval of the projects, I believe that I have to agree
44 with Dolly and John, that as valuable as that partnership
45 can be, I believe that we should stick with the program,
46 the projects, and the decision we already made in February.

47

48 MS. PHILLIPS: Madame Chair.

49

50 CHAIRMAN GARZA: Patty.

1 MS. PHILLIPS: Within each project,
2 whatever group is going to be doing the resource monitoring
3 is notified within Southeast Alaska that we prefer the
4 funding to go directly to the monitoring program, but
5 within that program if they could -- to their ability
6 identify or try to reach these project development
7 community outreach education training -- if they within --
8 within the group that will be doing the resource
9 monitoring, if they could try to reach these goals to the
10 extent possible, themselves, and I think that's what you
11 were trying to say and you probably said it a lot better
12 than I did. But that in the future, in future years of
13 selecting resource monitoring programs, if you can identify
14 and select the group that can encompass those goals into
15 their RFP, then they would be more likely to be selected.
16

17 CHAIRMAN GARZA: I think the other
18 arguments is also supporting, that maximizing the money to
19 the monitoring programs is that we already have more RFPs
20 than we have money. And so there are a number of
21 organizations who figured out how to develop these
22 proposals and for those who don't, they just track down Cal
23 and they track down Fred and they track down Dave and there
24 seems to be support within Southeast to develop these
25 proposals or there seems to be the knowledge within the
26 tribes to develop these proposals because we're getting
27 them. And so unless there's any objection, I would say
28 that the voice from the Council would be that we support
29 maximizing the amount of dollars that go to fishery
30 monitoring projects. Okay?
31

32 (Council nods affirmatively)
33

34 MS. PHILLIPS: Yes.
35

36 CHAIRMAN GARZA: Okay. Okay, Wini.
37

38 MS. KESSLER: Okay, perfect, thank you.
39

40 CHAIRMAN GARZA: Thank you. So we do not
41 have the other subsistence guy -- oh, we do, okay.
42

43 MR. CLARK: Madame Chair.
44

45 CHAIRMAN GARZA: Fred.
46

47 MR. CLARK: While Doug's getting settled in
48 there, I just wanted to note that I was mistakenly under
49 the assumption that OSM was going to be providing
50 information in the Council notebooks that would accompany

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1 their oral briefs and for some of those it did not occur so
2 I apologize for not making sure that happened because I
3 know it's always beneficial to have some reading materials,
4 at least some bullet items to key into during these
5 presentations. We'll try to be better about making that
6 happen in the future.

7

8 MR. KOOKESH: Mr. Clark, I thought that was
9 part of our learning curve, that we'd sit here and wing it.

10

11 (Laughter)

12

13 MR. CLARK: Part of your orientation.

14

15 MR. McBRIDE: Yes, Madame Chair, my name is
16 Doug McBride, I'm with the Office of Subsistence
17 Management, the Fisheries Information Service Shop. I'm
18 here today to give you a briefing really on three items,
19 the 2001 program, as approved by the Federal Subsistence
20 Board. Then we'll talk about updating the issues and
21 information needs. And then finally, at least, what we
22 have received for the 2002 program. And also in fairness
23 to Fred, I appreciate him trying to take some of the blame
24 here, but some of the information that we're passing out
25 here -- not what I just passed out, but I've got another
26 handout when we get to 2002, is stuff that has only come in
27 in the last week or so so there was just no way to get some
28 of this information in the book.

29

30 The handout that I just gave you is the
31 2001 subsistence fisheries resources monitoring program, as
32 approved by the Federal Subsistence Board February 26th.
33 And I'll just very briefly go through this with you and
34 then open it up for questions. There really will be no
35 surprises in here.

36

37 We discussed this program at length back at
38 the meeting in January and what was approved by the Federal
39 Subsistence Board is exactly what your recommendation was
40 for the program. Going to the handout, the first two pages
41 are really just some basic information. The first page is
42 just the number of projects by data type and by region that
43 were approved by the Federal Subsistence Board. The second
44 page gives a monetary break down by region and data type.
45 But I think what I'd like to do is focus on the third page
46 which is titled Table 1, and this is the Southeast
47 Subsistence Fisheries Monitoring Program as approved. The
48 top part of that table is entitled stock, status and
49 trends. There are six projects that were approved, these
50 are the same six salmon projects that we spend most of the

1 day discussing in Anchorage back in Anchorage. A total in
2 fiscal year 2001, a total of \$834,800 are going to be spent
3 in Southeast on these programs. You can see that all the
4 programs go beyond a single year, many of them go out to
5 the full three years that were authorized when we did the
6 request for proposals for 2001. And like I said, all of
7 these programs are really by and large escapement
8 monitoring programs. They have some harvest monitoring
9 components in them but again, we discussed these, I think
10 in quite a bit of detail back in January. The bottom part
11 of the table are the harvest monitoring and TEK projects.
12 There are a total of four of them, they total \$197,400.
13 These are all the submissions that we had advanced for
14 investigation plan. Again, this is exactly what we
15 discussed back in January. In total, a little over a
16 million dollars, 1,332,200 is what this package cost in FY-
17 01 and this is what we're going forward with.

18
19 And basically what has been going on in a
20 big way, I don't know if Cal has discussed this with you
21 but certainly on Cal's part down here and then up in
22 Anchorage, through the Department of Interior, that the
23 priority has been to contract or write the cooperative
24 agreements to get this program out the door and out into
25 the hands of the various cooperators.

26
27 So with that, Madame Chairman, I'll quit my
28 presentation of the Fiscal Year 2001 program and ask if you
29 have questions or comments.

30
31 CHAIRMAN GARZA: So when does this fiscal
32 year start?

33
34 MR. McBRIDE: Dolly, we're in it right now.
35 The Federal fiscal year starts October 1, so basically as
36 -- I mean all of these projects are slated to start this
37 summer, if you will. So like I say, that's why the
38 priority has been as soon as the Board met, to cut the
39 contracts, cut the cooperative agreements, whatever the
40 funding instruments are and get the money out to the
41 contractors so that they can hire people, buy gear, you
42 know, doing whatever they're doing.

43
44 CHAIRMAN GARZA: Okay. So these were all
45 proposals that we looked at at the Anchorage meeting, so
46 this is mostly information so we'll go on to 2002.

47
48 MR. McBRIDE: I think before I go into the
49 2002 and maybe while I'm talking about this, Cal, you could
50 just start passing those around.

1 What I'd like to do now is very quickly go
2 to the Tab E in your book and after -- it's right after the
3 partnership program that you just finished discussing,
4 there's a page here titled, the Fisheries Resources
5 Monitoring Program, Issues and Information Needs, and
6 there's some information that was in there and then on the
7 flip side of that page is a form that looks like this. And
8 basically what this is all about is we're asking for your
9 input to update the issues and information needs that we've
10 been working from. We didn't publish the entire issues and
11 information -- I'm sorry.

12
13 CHAIRMAN GARZA: Okay, let's just make sure
14 that the Council is all to that page. So the very back of
15 Tab E, which is right in front of Tab F; is everyone there?
16 You got it Bert?

17
18 MR. ADAMS: (Nods affirmatively)

19
20 CHAIRMAN GARZA: Okay, Marilyn, it's just
21 towards the end of that?

22
23 MS. WILSON: Yep.

24
25 CHAIRMAN GARZA: Okay. Okay, so we're on
26 the page that has priority one, two, three, are blank
27 pages, go ahead.

28
29 MR. McBRIDE: Thank you. What we're asking
30 for is for the Councils, any updated issues and information
31 needs that you see as funding priorities. What we're
32 working off of, again, we didn't publish this in its
33 entirety -- well, we didn't publish this in the notebook,
34 but I mean we talked about this in January, there's an
35 issues and information needs document and it has issues and
36 information needs as identified by each of the Regional
37 Councils for the various regions of the state. And this is
38 what we've been working from to try to prioritize proposal
39 submissions that we've gotten. So what we're asking here
40 is if you have anything that's updated to what's here or
41 what we discussed at the January meeting, if you would
42 simply fill this form out and, Madame Chairman, what we're
43 asking then that this go through the Chair so we can get a
44 cohesive, comprehensive statement from the Advisory
45 Council, if you have anything updated from what you
46 provided us already.

47
48 And the reason why this is going to be
49 important, I'm going to go through in a minute, because
50 what you're going to see is we've got way more proposals,

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1 way, way more proposals than we have money to fund them
2 with and that's what we'll go through in just a second.

3
4 CHAIRMAN GARZA: John.

5
6 MR. LITTLEFIELD: Question, Doug, at the
7 last meeting that we had in Anchorage, SERAC went on record
8 of how they prioritize things, are these in that latest
9 document or are you operating on the Douglas document?

10
11 MR. McBRIDE: I'm not sure what you mean by
12 the Douglas document, but I mean what we're basically
13 operating off of is where we were in January, which is
14 really very similar to what was in here. I mean clearly
15 the priorities in here were TEK projects and salmon
16 escapement projects and you reiterated that in January.
17 And so that's what we're working off of.

18
19 CHAIRMAN GARZA: Okay. As I had mentioned
20 in the January meeting, several of the Council members were
21 not on the Council when the Douglas document was developed
22 and so I'm not sure if there are Council members who would
23 like to have a copy of that list and so I'm not sure if we
24 could make copies during lunch and then get them out to the
25 Council so that we could look at this is what we've
26 supported and do we want to change that, and have Bill
27 submit something from the Southeast region.

28
29 So we'll copy that over lunch?

30
31 MR. CLARK: (Nods affirmatively)

32
33 CHAIRMAN GARZA: Okay.

34
35 MR. McBRIDE: The other thing, I didn't sit
36 through all the Regional Councils by a long shot, but
37 certainly the ones that I did, I think this Regional
38 Council certainly articulated their funding priorities in a
39 much clearer fashion than I think a lot of the others have,
40 at least, that I'm aware of. So like I say, this is an
41 opportunity to update those priorities if you choose to do
42 so.

43
44 CHAIRMAN GARZA: Okay.

45
46 MR. McBRIDE: So with that, I'll go to the
47 other handout that we just handed out and what this is, is
48 this is basically a look at what we're going to have to
49 spend for the 2002 starts, and then the proposals that we
50 have received. And just a word about the process, we've

1 actually launched two programs, if you will, this program,
2 the fisheries program really started in Fiscal Year 2000
3 and there was a small -- relatively small program that was
4 initiated. There are programs in Southeast, I didn't bring
5 you a handout on those, again, we discussed those in
6 January and did a quick update on those. There are several
7 projects that were underway starting in 2000 and all of the
8 Southeast projects are basically on track as they were
9 originally designed. Then the full amount of funding came
10 to us in Fiscal Year 2001, that's what we discussed in
11 January and that's what we just finished discussing here
12 and that's what was approved by the Federal Subsistence
13 Board on February 26th. There's an accounting thing that
14 you just got to pay attention to, in that, the 2000 program
15 has several years of components so you kind of keep track
16 of those, and then you have this bigger 2001 program that
17 will start this year and it will have three years of
18 components and now what we're talking about is then money
19 that would be available for 2002 that would start a year
20 from now, a year from this summer and it would have several
21 years of components.

22
23 The first page of what I just handed out is
24 simply a look at what we're anticipating what we'll have to
25 spend for the program in 2002. So if you go to the first
26 page of that handout, the top part of the page is entitled
27 Table I, Distribution Guidelines by Percent, and all this
28 is is the basic percentage funding formula that we started
29 with, that the program started with that gives a framework,
30 if you will, to look at distributing available funds by
31 region and by data type. As we discussed in January there
32 is nothing hard and fast about this but we need a starting
33 place so the people have some idea how the money is likely
34 to be spent.

35
36 So then once you have a frame work for
37 dividing the money then you have to ask yourself, how much
38 money is available and that's what the bottom part of the
39 first page is, Table 2 and it's entitled Distribution
40 Guidelines by Projected Funding Level, assuming two million
41 dollars. Right now our best guess as to how much money
42 will be available statewide for the Subsistence Fisheries
43 Resource Monitoring Program for new starts in 2002, so
44 that's in excess to what we talked about here, for new
45 starts in 2002, is about two million dollars. So if you
46 take those percentages above and apply that to two million
47 dollars, that's what these numbers are in the bottom part
48 of this table. And as you can see for Southeast, if you
49 just go clear over to the total line, there's going to be
50 about \$468,000, close to a half million dollars available

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1 for new work in 2002. So that's obviously less than the
2 2001 program, but the way our funding is working is we're
3 getting a set amount of funding, that's what we're
4 anticipating and we've obligated a fair amount of the money
5 from the 2001 program, if you go back to this table, in
6 total, we've obligated about \$700,000 out of the little
7 over a million dollars available for Southeast so what that
8 leaves is almost \$500,000 for new work in 2002.

9

10 So that's the amount of money that's
11 available for 2002.

12

13 If you go to the second page and I'll
14 apologize right now for the small type, but all the second
15 page is doing is just putting on the -- or just trying to
16 summarize what we have received for project proposals for
17 new work in 2002. And if you just simply go to the very
18 bottom right-hand corner of the lower part of the table,
19 we'll just get right to the bottom line, statewide, we had
20 two million dollars available to spend, we've received
21 \$13,573,000 worth of proposals, so you can see we've got a
22 truckload of proposals and maybe a small pickup load full
23 of -- or a trunkload full of money to spend on it.

24

25 If you go to the line for Southeast, so if
26 you just simply go two lines up and go all the way over to
27 the right, what we have on the table is 26 proposals
28 totaling about two million, almost 300,000 and again, we
29 have about a half million dollars to spend. So we've got
30 roughly five times -- we've roughly got five times the
31 proposals that we can afford to spend.

32

33 So that kind of goes back to.....

34

35 CHAIRMAN GARZA: For Southeast?

36

37 MR. McBRIDE: For Southeast, correct.
38 That's why I kind of go back to this issues and information
39 needs, the narrower, the more focused you can provide your
40 recommendations on funding priorities the more effective
41 that will be because we're going to need them. Like I
42 said, we've got a work on the table and about \$500,000 to
43 spend on it.

44

45 I'll end my presentation on that here and
46 ask for questions.

47

48 CHAIRMAN GARZA: So what will be the time
49 line for considering the 2002 proposals?

50

1 MR. McBRIDE: Okay, thank you. The time
2 line for that, we sent out a request for proposals about
3 Thanksgiving of last year, the deadline for funding
4 proposals was February 15th, so that's what this is a
5 summary of, everything received by February 15th. I also
6 need to add that anything that was not funded in 2001 for
7 which we had an investigation plan is also included in
8 this. So this summary here includes new proposals that we
9 got and old investigation plan that we didn't fund in 2002.
10 What we told everybody is they would be considered for
11 2002. So that's the entire program that's being
12 considered.

13
14 What will happen is over the course of
15 about the next month, Staff will screen through the
16 proposals and the investigation plans that we have and in
17 about a month, probably about mid-April, third week of
18 April, the technical review committee will meet and they
19 will take this 13 million dollars worth of proposals and
20 all the investigation plans and narrow that down to a set
21 of proposals that we're going to invite investigators to
22 develop new investigation plans for. Those investigation
23 plans will be due probably about mid- to late summer. By
24 the end of the summer the FIS Staff will take those new
25 investigation plans, we'll package those up into a new
26 draft fisheries resources monitoring program and then that
27 will be brought to the Regional Councils at your fall
28 meeting and we'll go through those just the way we did in
29 January. And then after that, next winter, then whatever
30 package comes out of there will be brought to the Federal
31 Subsistence Board for their approval for funding and then
32 for actually implementing those programs a year from now.

33
34 CHAIRMAN GARZA: So then in terms of that
35 process, then you would like to have this issues and
36 information needs, the three priorities submitted by the
37 end of this meeting since we would not meet again until the
38 fall?

39
40 MR. McBRIDE: The sooner you can get those
41 to us the better, the more effective that would be. Again,
42 in the absence of any new information we would certainly
43 work off of what we discussed in January, which I
44 summarized earlier. So if you have other funding issues or
45 different perspective on funding issues than that, then the
46 sooner we could get that the better. If you get it to us
47 by the end of the meeting, that would be great or if you
48 wanted to discuss it further and send them either to me or
49 through the Council coordinator at your earliest
50 convenience that would be helpful.

1 CHAIRMAN GARZA: So we did refine what we
2 had done in Douglas at the Anchorage meeting. Is that
3 written up somewhere Fred?

4
5 MR. CLARK: Yeah, there were notes that
6 Dave Johnson took as part of that meeting. And those -- we
7 haven't been able to go through those and finalize those
8 yet but I can dig those out from those notes, I'm sure.

9
10 CHAIRMAN GARZA: Because it seems like the
11 issues and needs that we developed at the Douglas meeting
12 were done relatively quickly and the impression I got in
13 looking at the proposals that were submitted at the
14 Anchorage meeting and considered, that those issues and
15 needs were broad enough to encompass more than what we
16 considered our high priorities and so that was why we
17 further refined it as a Council. And we may need to look
18 at those further refined points in order to list them as
19 priorities. Because if I remember right, some of those
20 cut-throat trout things fit under our Douglas priority
21 list. Go ahead.

22
23 MR. McBRIDE: Dolly, I mean you certainly
24 looked at trout, but I mean there was -- like I say, your
25 Council, certainly in my mind articulated the funding
26 priorities, you know, very clearly. And the priorities I
27 remember were, you know, from top to bottom were basically
28 TEK, salmon, particularly sockeye salmon, escapement work
29 and then you moved down to trout work and those kinds of
30 things. So you know, I agree with Fred, I'm sure those are
31 written and can be retrieved.

32
33 MR. LITTLEFIELD: Madame Chair, that's my
34 recollection, too. But I believe at the top of the list
35 was Southeast projects. I think the Council was clear that
36 they wanted to fund Southeast-related projects first as
37 opposed to statewide projects given the limited amount of
38 funding and then TEK and partnership projects and then
39 salmon like you said. I believe that's correct.

40
41 CHAIRMAN GARZA: Floyd.

42
43 MR. KOOKESH: I noticed that on the first
44 document you gave us you have -- you've broken it into
45 stock status and trends and then also into harvest
46 monitoring and then into TEK. Is it possible that when you
47 do the Southeast one, that the percentage, like you have
48 7.9 percent on your second table -- excuse me, Table 1 on
49 your second document, is it possible because I'm very
50 curious about TEK, I'd like to see how much the percentage

1 is. Instead of having it two, I'd like to see how much we
2 spend on TEK all the time. Is there a reason or.....

3
4 MR. McBRIDE: Floyd, those categories were
5 pulled together before I ever showed up on the scene. But
6 I think we can break those out if you'd like to see those
7 to the extent that we can. A lot of times the -- a lot of
8 the -- at least -- I mostly deal with the stock status and
9 trends projects but I think a lot of the TEK projects had
10 to do with trying to assess harvest and putting harvest
11 estimates into context from a historical perspective and
12 that kind of stuff. And I think that's why they're linked
13 together like that, because they really do deal with -- a
14 lot of times with trying to make sense of harvest
15 information, not always, but a lot of the time. But to the
16 extent that we can break those apart in the submissions,
17 we'll certainly try to do that.

18
19 MR. KOOKESH: Thank you.

20
21 MR. CLARK: Madame Chair.

22
23 CHAIRMAN GARZA: Fred.

24
25 MR. CLARK: Mr. Littlefield has pointed out
26 that if your question refers to 2001 funding, how much was
27 spent for TEK projects in 2001, he points out that it's 20
28 percent.

29
30 MR. KOOKESH: Thank you. I just noticed
31 that when he gave us this Table 1 that I saw the TEK and
32 harvest monitoring were 7.9 percent and I happen to view
33 them as separate. Thanks.

34
35 MR. McBRIDE: The percentages -- you're
36 looking at these percentages obviously and you're exactly
37 right, and those percentages are done, you know, across the
38 entire state. They total 100 percent for the state. But I
39 mean basically the way this funding frame work was
40 envisioned, you have however much money is available for a
41 region and then basically what they did was they put two-
42 thirds of the money in the stock status and trends and one-
43 third in the harvest monitoring and TEK. So in general
44 that was the funding frame work as it was original
45 envisioned. However much money is available to spend in
46 Southeast then it would be a two-thirds, one-third split.
47 And then again, certainly, as Tom Boyd and Peggy Fox
48 explained that back in January, that's just a starting
49 point, it kind of frames the discussion and it gives you a
50 starting point so you know what your targets are likely to

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1 be.

2

3 MR. KOOKESH: Thank you.

4

5 CHAIRMAN GARZA: Cal.

6

7 MR. CASIPIT: Yeah, Madame Chair, I just
8 wanted to reiterate what Doug said, that that two-thirds,
9 one-third split is merely a guideline. If the Council
10 feels that there should be more money being put into
11 harvest monitoring and TEK, you know, that can be your
12 recommendation when the program comes to you next fall to
13 review, so it's just a guideline, it's not a hard and fast
14 rule.

15

16 MR. LITTLEFIELD: Madame Chair, I would
17 like to see the Council address this at this meeting.
18 Because given our directions last time and what we
19 struggled with in Anchorage, the technical review committee
20 came to us based upon their perception and we, of course,
21 tore up everything. I would not like that to happen again
22 and the last directions we gave you rating TEK projects
23 number 1, all of the money available, 468,000 is surpassed
24 by the total number of harvest monitoring and TEK projects.
25 So obviously we're going to have to do some prioritizing so
26 I would like to somewhere before this meeting is done set
27 aside some time after we get the January recommendations so
28 that we can give the technical review committee some
29 direction so that we don't enter into this in the fall time
30 again, so that they know where we're standing on this.

31

32 CHAIRMAN GARZA: Will we be able to get
33 that over lunch?

34

35 MR. CLARK: (Nods negatively)

36

37 CHAIRMAN GARZA: Dave went and jumped on
38 Flight 62?

39

40 MR. CLARK: Right. He went and jumped on
41 Flight 62 and I don't have those notes here, I didn't bring
42 them. It's in electronic form and I don't have that with
43 me.

44

45 CHAIRMAN GARZA: Over lunch we can get
46 copies from the Douglas list of issues and needs and we'll
47 just have to recreate what we did in Anchorage and I think
48 we can do that based on collective memories. And I agree
49 with you, John, that we do need to do it so that we give
50 better direction considering the increased number of

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1 proposals and the limited number of dollars and I think it
2 would be helpful all around.

3
4 Anything else?

5
6 MR. McBRIDE: No, ma'am. I'll be here the
7 rest of the day and tomorrow.

8
9 CHAIRMAN GARZA: So did we cover all items
10 under Tab 9d?

11
12 MR. CLARK: Yes.

13
14 CHAIRMAN GARZA: We've got 10 to noon, and
15 we've got Gaja-Keen people who are waiting to fundraise so
16 we could go to lunch early and come back at 1:00. I would
17 suggest that we stick to the basically one hour lunch
18 because do have a lot to do this afternoon. So we will
19 recess until 1:00 o'clock.

20
21 (Off record)

22
23 (On record)

24
25 CHAIRMAN THOMAS: You guys been on recess
26 every since I've been gone?

27
28 MR. ANDERSON: Yes, we didn't even miss you
29 either.

30
31 CHAIRMAN THOMAS: Uh-huh.

32
33 MR. KOOKESH: Dolly said break as soon as
34 you left.

35
36 MS. GARZA: Mr. Chairman.

37
38 CHAIRMAN THOMAS: Dolly.

39
40 MS. GARZA: We made it through Items 9d,
41 reports from Office of Subsistence Management
42 presentations.

43
44 CHAIRMAN THOMAS: Okay.

45
46 MS. GARZA: What we had ended with was
47 looking at a request to reprioritize our -- how we would
48 like to see the fishing monitoring projects funded. We had
49 talked about the -- what we had done at the Douglas
50 meeting, however, a number of the Council members are new

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1 since that Douglas meeting so we asked for a copy of that
2 document and I can see that it was distributed to the
3 Council members so this is the paper for it. And we
4 thought that there was a need to do it even at the
5 Anchorage meeting when we, as a Council, had different
6 priorities of what we thought should be funded compared to
7 what the Staff had recommended funding for the fisheries
8 monitoring projects. It did come to my attention that we
9 discussed quite a bit of this without realizing that some
10 of our Council members were not at the Anchorage January
11 meeting so we should have done a bit more of our homework
12 in getting the history out on it. Patricia was not there
13 and I'm not sure if there were other Council members that
14 were not there.

15
16 CHAIRMAN THOMAS: Lonnie wasn't there.

17
18 MS. GARZA: You weren't there either,
19 Lonnie?

20
21 MR. ANDERSON: (Nods negatively)

22
23 MS. GARZA: Okay. So I think the concern
24 is that the issues and information needs that we pulled
25 together at the Douglas meeting were, from my memory,
26 pulled together rather quickly and I think are fairly broad
27 and so when we looked at the proposals that were considered
28 for funding at the January meeting, what the Council
29 thought should be funded was different than what the Staff
30 recommended be funded. I don't think it caused real
31 division between the two groups, if you would call us two
32 groups, but if we re-prioritize and get a better feel for
33 what we would like to have funded it may decrease that kind
34 of tension in future funding rounds.

35
36 CHAIRMAN THOMAS: Sure. That's a good
37 point. The reason that it was as broad as it was in
38 Douglas is because it was another area that was new to all
39 of us. And when we make mistakes we want it to be broad
40 but when we correct it we want them to be narrow. So was
41 Mr. McBride going to walk us through this or what did you
42 guys -- help me out here.

43
44 MS. GARZA: Mr. Chairman, if you look at
45 the issues and information needs, Southeast is actually on
46 the very last page so you could just flip to the back. IT
47 is broken down into those three subject areas, stock status
48 and trends, subsistence harvest monitoring and traditional
49 ecological knowledge. And I think Mr. McBride would walk
50 us through it but I think we could manage on our own.

1 CHAIRMAN THOMAS: Okay, well, the heck with
2 Mr. McBride then.

3
4 MS. GARZA: Pardon?

5
6 CHAIRMAN THOMAS: We'll do without Mr.
7 McBride.

8
9 MS. GARZA: So we had under distribution,
10 abundance and life history of fish species, Klawock Lake
11 salmon stock assessment, Haaktaheen salmon stock
12 assessment, Falls and Gut Lake stock assessment, Sitka
13 Sound coho salmon assessment, Hetta Lake sockeye salmon
14 stock status, historical productivity of Situk and Mountain
15 Lakes, Ahrnklin River sockeye salmon stock assessment,
16 historical productivity of sockeye systems, East Alsek
17 salmon stock assessment.

18
19 Mr. Chairman, it seemed like one of the --
20 in the paragraph above it it says the Council recommended
21 four types of project categories to the Federal Subsistence
22 Program for FY-2001 subsistence fishery monitoring. In
23 priority order they are regulation review, sockeye and coho
24 salmon stock status, traditional knowledge and harvest
25 monitoring. So I guess the first question is do we still
26 support those four things and is that the order we wish to
27 keep them in.

28
29 CHAIRMAN THOMAS: Any questions from the
30 Council? What's the wish of the Council? John.

31
32 MR. LITTLEFIELD: Mr. Chair, during our
33 winter meeting in Anchorage we had taken the position that
34 all four of these project categories were still important
35 and they were looked at at that time where money was not a
36 problem. What happened in Anchorage was the reduction in
37 money which is still ongoing. Looking at the list that was
38 presented this year, we're going to get stuck with that
39 again. So I believe that we should go back to what we
40 decided in Anchorage and as near as I can figure in
41 Anchorage we took the position that when money was short
42 Southeast projects would take priority over statewide
43 projects as just a general policy statement. And then as I
44 remember it, traditional knowledge and harvest monitoring
45 which is shown as three and four on Page 16 were actually
46 projects that we thought should have been rated as priority
47 one. And our priority two projects were sockeye salmon and
48 coho stock status. The regulation review, those projects
49 which were driven in Anchorage by things that we did on --
50 we asked for steelhead weirs and stuff like that and they

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1 were going to have -- those were regulatory actions and I
2 think they all disappeared in Anchorage.

3

4 But I think what we did in Anchorage is still
5 viable. We also made a statement in Anchorage that we were
6 very strongly in support of projects that had partnerships
7 with tribes and other organizations and I still think that
8 -- and for me, personally, that is how I feel. We did not
9 fund any projects that were sole sourced to the Alaska
10 Department of Fish and Game. That's my recollection and if
11 we have to make a motion to bring those up, I would do
12 that, but that's my recollections and how I feel today.

13

14 CHAIRMAN THOMAS: That's a good
15 recollection and a good expression of it and I thank you
16 for that. Anybody else have any besides Bert. Bert.

17

18 MR. ADAMS: Mr. Chairman, that's my
19 recollection, too.

20

21 CHAIRMAN THOMAS: Okay.

22

23 MS. GARZA: Mr. Chairman.

24

25 CHAIRMAN THOMAS: Dolly, did you have other
26 feelings about that?

27

28 MS. GARZA: Well, I think the other
29 additional point that we made was under stock status and
30 trends, that our focus was sockeye and coho and I don't
31 think that was apparent before because we did get proposals
32 for species other than the salmon that were important to
33 our customary and traditional uses and so I think that
34 needs to be clarified. But I think we're getting Fred to
35 try and summarize our comments, either from now or from
36 what we discussed in Anchorage, and we need to make sure
37 that Lonnie and Patricia have a feel for what we had talked
38 about then.

39

40 CHAIRMAN THOMAS: Fred. Thank you, Dolly.

41

42 MR. CLARK: What I have so far is that when
43 money is short, fund Southeast projects first and that
44 means fund Southeast before funding statewide projects; is
45 that right?

46

47 (Council nods affirmatively)

48

49 MR. CLARK: The first, but kind of an
50 overriding policy -- okay, second, in the order of

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1 importance would be TEK and harvest monitoring as the
2 number 1 priority.

3
4 (Council nods affirmatively)

5
6 MR. CLARK: Number 2 [sic], would be
7 funding salmon projects. Now, did you have a priority for
8 types of salmon or just salmon in general?

9
10 CHAIRMAN THOMAS: Well, predominately
11 sockeye and coho wasn't it?

12
13 (Council nods affirmatively)

14
15 CHAIRMAN THOMAS: If we have to prioritize
16 them, what would it be, sockeye one, coho two or vice
17 versa?

18
19 MR. CLARK: I just put them down as sockeye
20 and coho, should we put other?

21
22 CHAIRMAN THOMAS: No.

23
24 MR. CLARK: Just leave those two?

25
26 CHAIRMAN THOMAS: Uh-huh.

27
28 MR. CLARK: And then the third priority
29 is.....

30
31 MS. GARZA: I think what John had said was
32 projects that.....

33
34 MR. LITTLEFIELD: Partnership dealings.

35
36 MS. GARZA: Yep.

37
38 MR. CLARK: Partnership positions or.....

39
40 CHAIRMAN THOMAS: John.

41
42 MR. LITTLEFIELD: Mr. Chairman, on
43 partnershiping, I think we rated projects much higher that
44 had -- that showed partnershiping with tribes or other
45 organizations rather than using the ADF&G as the sole
46 source. In other words there were some projects where the
47 ADF&G was the only participant and those were consistently
48 rated lower in my recollection.

49
50 CHAIRMAN THOMAS: Thank you. Doug.

1 MR. McBRIDE: Mr. Chairman, just to clarify
2 when Staff goes through these projects and I mean there's a
3 lot of Staff that goes through them, I mean FIS Staff goes
4 through them they give recommendations to the technical
5 review committee, that goes up to the Staff Committee and
6 then it comes to the Regional Councils, we have criteria by
7 which we judge those projects. And one of the criteria --
8 I mean there's four major ones and one of them is what we
9 term capacity building and partnerships, so if it has that
10 aspect to the project then it is looked on much more
11 favorably and gets a higher ranking or whatever. And a lot
12 of those projects, I mean I learned some stuff when we met
13 in January and what we were focused on was the content of
14 the project and then we were listing the primary, you know
15 the primary contractor if you will. I mean there were a
16 lot of -- almost every one of those projects, whether it
17 was an ADF&G project or a Forest Service project or a
18 project primarily being conducted by a tribal IRA, almost
19 every one of those projects had some kind of what we would
20 call partnership or capacity building built into it. So
21 that's something we're looking for, I think all the
22 contractors are well aware of that and that's something
23 that we judge real highly.

24
25 CHAIRMAN THOMAS: Thank you.

26
27 MS. GARZA: Mr. Chairman.

28
29 CHAIRMAN THOMAS: Dolly.

30
31 MS. GARZA: From the list, from the issues
32 and information from the 2000 meeting under stock status
33 and trends, we have some specific stocks or lakes that we
34 have mentioned and to that I would like to add Karta Lake.

35
36 CHAIRMAN THOMAS: Okay.

37
38 MS. GARZA: The Kassan, the Kassan people
39 are quite concerned about the sockeye in that lake.

40
41 CHAIRMAN THOMAS: Okay.

42
43 MS. GARZA: And we may have other
44 communities that would like to list other lakes since we do
45 have different Council members on this Council now, and so
46 we may have forgotten some areas. And so I'm not sure if
47 we have everything from the Kake area or from Angoon area
48 or from Yakutat area that we should have listed.

49
50 CHAIRMAN THOMAS: Do we have a copy of what

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1 we listed so far?

2

3 MS. GARZA: Yeah, it's on that last page.
4 So it was Klawock, Haaktaheen, Fall and Gut, Sitka Sound,
5 Hetta Lake.

6

7 CHAIRMAN THOMAS: Right, where's the
8 Haaktaheen.

9

10 MS. PHILLIPS: Up by Pelican on the
11 outside.

12

13 CHAIRMAN THOMAS: Okay. So far we've added
14 Karta Lake to that -- when will this be cast in granite?
15 I'm speaking in terms if somebody right now can't think of
16 a system that hasn't been included on here, that perhaps
17 should be considered, how late can that be submitted?
18 Doug.

19

20 MR. McBRIDE: Mr. Chairman. The deadline
21 for submitting proposals has come and gone, that was
22 February 15th. But as an updated document and we'll be
23 doing another request for proposals next year, I mean if
24 there's something that's rising to the top in terms of
25 priorities, that would be helpful. Also if you added -- if
26 you added something on here and we had a proposal that
27 dealt with that, I mean I don't have the complete list of
28 the 2. something million dollars worth of proposals here
29 with me, but I mean that would be helpful also.

30

31 CHAIRMAN THOMAS: Okay, thank you. John.

32

33 MR. LITTLEFIELD: Mr. Chairman, I have a
34 question for Doug, and that's on Page 16 under the stock
35 status. Of those systems that are listed there, how many
36 of them do we have ADF&G data on that's fairly good or
37 accurate right now and how many are basically no
38 information on, escapement data?

39

40 MR. CASIPIT: Mr. Chairman.

41

42 CHAIRMAN THOMAS: Cal.

43

44 MR. CASIPIT: For most of those systems
45 listed there, we have work scheduled on most of those
46 already. Historical productivity of Situk and Mountain
47 Lakes, and historical productivity of sockeye systems,
48 those were basically paleolimnology knowledge studies that
49 were proposed back in the Year 2000 and.....

50

1 CHAIRMAN THOMAS: They were what?

2

3 MR. CASIPIT: I'm sorry, paleolimnology,
4 what they basically do is take a core sample of lake
5 bottoms and then based on looking at the microchemistry of
6 the lakes -- the chemistry of the cores be able to
7 determine what escapements might have been before
8 commercial exploitation. So you would get an idea of
9 sockeye.....

10
11 CHAIRMAN THOMAS: (Whistles)

12

13 MR. CASIPIT:production, you know,
14 way back in time before we -- before.....

15

16 CHAIRMAN THOMAS: Since time and memorial?

17

18 MR. CASIPIT:before the commercial
19 industry started on them.

20

21 CHAIRMAN THOMAS: Well, I'm glad you
22 explained that because I didn't have a clue, it sounds very
23 impressive and I am impressed.

24

25 MR. CASIPIT: But for Klawock, Haaktaheen,
26 Falls and Gut Lake, Sitka Sound coho stock assessments, I'm
27 not sure I think that was the Salmon Lake project, I'm not
28 sure, Hetta Lake, we're doing the TEK work at East Alsek
29 River this year. So quite a few of those actual projects
30 have already been picked up by the FIS program.

31

32 CHAIRMAN THOMAS: Okay. I don't know if
33 that responded to John's question or not, did it John?

34

35 MR. LITTLEFIELD: Well, what I was trying
36 to get at, Mr. Chairman, was, I think as the technical
37 review committee looks at some of these projects, some that
38 have no information at all might be more important than
39 those systems in which we have some information already or
40 some that we can rely on to, you know, base our historical
41 data on. So I just thought it was something that I'd like
42 them to look at.

43

44 CHAIRMAN THOMAS: Okay. Bert.

45

46 MR. ADAMS: Thank you, Mr. Chairman. I'd
47 just like to kind of elaborate a little bit more on this
48 historical productivity thing, I don't know what the term
49 is that you used was, it was something that I never heard
50 of before. But anyhow, the way that I understand that that

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1 works, Mr. Chairman, is that, when these little fishes
2 spawn and they go out into the rivers, down the rivers and
3 out into the ocean, what they'll do is they'll pick up,
4 while they're out in the ocean, this thing called N-15,
5 nitrogen-15, and they'll grow up, you know, on the ocean
6 and then they're going to come back into the rivers in
7 which they were born and they'll spawn and then they're
8 going to die. Their bodies are going to deteriorate into
9 the bottom of the lake or the systems in which they died.
10 And the thing that's going to be left is this nitrogen-15
11 and it will build on top of one another, and so scientists
12 believe that if you got a system on how to get down into
13 the bottom of those lakes and streams and so forth, it's
14 just like learning how -- I mean counting the rings in a
15 tree and they can tell, you know, how many salmon spawned,
16 you know, during the year -- during those particular years
17 and so forth.

18
19 CHAIRMAN THOMAS: Thank you. Man I
20 feel.....

21
22 MS. GARZA: Mr. Chairman.

23
24 CHAIRMAN THOMAS: Wait a minute, I'm just
25 bulging with knowledge right now. Dolly.

26
27 MS. GARZA: I have a few more things I
28 would like to add. Under stock status and trends, I think
29 we need to look at the Unik River, hooligan?

30
31 CHAIRMAN THOMAS: Unik.

32
33 MS. GARZA: Unik. Under subsistence
34 harvest patterns, traditional ecological knowledge, I think
35 we need to add urban, because as we look at our 10 year
36 review of rural/urban designations, if we have urban
37 communities that would like to be reconsidered as rural, it
38 would be nice if they had the opportunity to do the
39 research to find out what the needs of those communities
40 are.

41
42 CHAIRMAN THOMAS: I don't hear no objection
43 and Fred's marking it down, I think those are good ideas.
44 In fact, you know, I feel so knowledgeable now, I can
45 redesignate communities that aren't eligible now to make
46 them eligible.

47
48 MS. GARZA: That's what we want.

49
50 (Laughter)

1 CHAIRMAN THOMAS: Okay. Anything else we
2 need to do with this particular.....

3
4 MS. PHILLIPS: Chairman Thomas.

5
6 CHAIRMAN THOMAS: Patty.

7
8 MS. PHILLIPS: The Hoonah Ranger District
9 contacted me, Chuck Parsley, and asked me of all the river
10 systems, salmon systems in our area which was the most
11 important and I told him that they were all important but
12 that Haaktaheen had the most activity as far as people
13 going in and getting sockeye. But you know, we have a
14 number of sockeye and coho systems in our area that aren't
15 reflected in the study and as far as I know have zero data
16 associated to them.

17
18 So I just wanted to state that because John
19 brought that up, you know, of these listed, which has data
20 and which doesn't?

21
22 CHAIRMAN THOMAS: Okay. But from my
23 understanding, what we don't offer this cycle we'll have
24 the opportunity again and again. And I think that's great
25 because it will give us a chance to get a sense of priority
26 and a sense of sensitivity of those systems.

27
28 MR. STOKES: Mr. Chairman.

29
30 CHAIRMAN THOMAS: Richard.

31
32 MR. STOKES: I know we're going to have
33 some work done down in the Wrangell area, namely Virginia
34 lake, Luck Lake and Salmon, but I was just wondering
35 whether that was included on here. Bert can probably tell
36 us what type of monitoring or what's going to happen down
37 there. Bert, could you tell me what.....

38
39 MR. ADAMS: Which Bert?

40
41 MR. STOKES: Oh, that Bert there.

42
43 MR. LEWIS: Mr. Chairman, my name is Bert
44 Lewis. I introduced myself yesterday, I'm a new hire with
45 Alaska Fish and Game. I was talking with Dick about some
46 of the monitoring that's going on. I'm working on Klawock,
47 Hetta and then Salmon Bay, up by Wrangell has three lakes,
48 Salmon Bay, Thoms and Luck Lake. I have copies of the
49 proposals. There is some historic data available on most
50 of those systems. I think Thoms probably has the least

1 amount of data available, Klawock has pretty good long
2 history that's ongoing because of the hatchery operations
3 down there, Hetta Lake, the majority of the subsistence
4 there is from Hydaburg and there is some data available
5 from that which is mostly -- they operated a weir in the
6 past but most of the current data is from permit returns,
7 when people turn in their permits they say how many fish
8 they caught the year before and then they get their permit
9 for this year. And each of these lakes, the proposed work
10 includes -- the major thing that we're focusing on is
11 escapement estimation and developing an index, which
12 basically will do a mark recapture program which is a
13 standardized monitoring methodology, get an estimate of the
14 returning fish and we'll be able to extrapolate from that
15 so that in the future we'll go to just one section of the
16 spawning ground, count some fish and you won't have to
17 count all the fish and then from that subsample of the
18 spawning, we'll be able to monitor the runs, without having
19 someone there all the time on the clock counting the fish.

20
21 And then some of the other lakes we're also
22 monitoring some of the in-lake conditions and seeing where
23 there might be limitations in sockeye production. And I
24 have more detailed work plans if anyone's interested in
25 that that I could send to people on the Board.

26
27 CHAIRMAN THOMAS: Thank you. For a new
28 hire, you bring a lot of really good information. Are you
29 from the area at all?

30
31 MR. LEWIS: No, I moved here from Idaho in
32 February.

33
34 CHAIRMAN THOMAS: Really?

35
36 MR. LEWIS: Yes.

37
38 CHAIRMAN THOMAS: Well, I think you'll do a
39 good job.

40
41 MR. LEWIS: I've been working on sockeye
42 enhancement down on the Columbia River where they're in
43 much worse condition and I thought I'd come up here and
44 work where there's more fish.

45
46 CHAIRMAN THOMAS: Well, they can't even
47 generate electricity now, let alone sockeye.

48
49 (Laughter)

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1 CHAIRMAN THOMAS: Well, thank you. Dick,
2 did that answer your questions?

3
4 MR. STOKES: Yes.

5
6 CHAIRMAN THOMAS: Are you satisfied?

7
8 MR. STOKES: Yes.

9
10 CHAIRMAN THOMAS: Thank you very much. And
11 you'll be around. A lot of times we don't have any
12 questions at the moment but as we become more informed
13 we'll probably have more curiosity. Thank you very much.

14
15 MR. LEWIS: Thank you.

16
17 CHAIRMAN THOMAS: John.

18
19 MR. LITTLEFIELD: Mr. Chairman, I think all
20 my questions are answered. I would just like to ask Staff,
21 specifically, Doug,
22 if they feel they have enough information from the Council
23 on how to proceed on these projects.

24
25 CHAIRMAN THOMAS: Doug.

26
27 MR. McBRIDE: Mr. Chairman, John, yeah,
28 absolutely.

29
30 MS. GARZA: Mr. Chairman.

31
32 CHAIRMAN THOMAS: Dolly.

33
34 MS. GARZA: Mr. Chairman, in part, for my
35 benefit because I did leave the Anchorage meeting early but
36 also for Patricia and Lonnie, it seemed like when we had
37 talked about the money that was available for funding, it
38 was less than what we had thought it was, if we could go
39 over what we thought the money was, what it is now, what
40 happened to the money that disappeared and just sort of a
41 general accounting of the monies that are for fisheries
42 monitoring; that would be helpful for me and hopefully for
43 those two.

44
45 CHAIRMAN THOMAS: Okay. I want the most
46 knowledgeable, believable Staff person to run us through
47 that. Cal.

48
49 MR. CASIPIT: Thank you, Mr. Chairman. I
50 don't know how believable I'll be but I'll give it a shot.

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1 In the past the Forest Service, we've always requested
2 money through the chain for working the subsistence
3 program, ever since the wildlife takeover in 1990.
4 However, we have never been funded for our subsistence
5 management responsibilities until we took over fisheries in
6 '99 when we received three million dollars to manage the
7 subsistence program. That request went in through our
8 fisheries channels when we took over for fisheries. We
9 asked for three million dollars to handle the fisheries
10 job, what we got was three million dollars to handle the
11 entire job. The entire subsistence management job.

12
13 For 2001, it was much the same pattern. We
14 received five and a half million dollars for the
15 subsistence management program for the Alaska region of the
16 Forest Service, our request was 10 million to handle both
17 fisheries and wildlife. What we wended up with was 55
18 percent of what we asked for.

19
20 And through all of this, there was, you
21 know, some communication glitches or whatever, but for
22 awhile -- for what happened is that the interagency program
23 was figuring that we were going to be able to contribute a
24 lot more money to monitoring projects, fish monitoring
25 projects when in fact we really couldn't because we had,
26 you know, the wildlife program to attend to, we had the
27 operations of this Council to attend to, we had high
28 priority wildlife information needs that we had to attend
29 to so you know, we just didn't have the amount of funding
30 that we needed to dedicate the full amount that we had
31 figured that we were going to have when we first took over
32 the program, and that relates to some of the discussions
33 this morning about the partnership positions and some of
34 that.

35
36 That our needs for the subsistence program
37 in USDA Forest Service has never been recognized, you know,
38 higher up the chain. And in fact, our request for 2002, in
39 our agency request we requested the full 10 million dollars
40 for 2002 to handle our program, Office of Management and
41 Budget didn't even support that. They only supported a
42 five and a half million dollar program which really
43 underfunds what needs to be done.

44
45 I don't know if I did very good at that
46 but.....

47
48 CHAIRMAN THOMAS: I think you did.....

49
50 MR. CASIPIT:maybe Wini could add to

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1 it, too.

2

3 CHAIRMAN THOMAS:well -- I think for
4 budget information and that kind of thing, would you give
5 them the two figures we're working with -- the amount that
6 we anticipated and the amount that we realized?

7

8 MR. CASIPIT: We had anticipated a 3.15
9 million dollar program for monitoring for both forests,
10 Tongass and Chugach, what we ended up with was a little
11 over two million.

12

13 CHAIRMAN THOMAS: And probably most of
14 that's damage control.

15

16 MS. GARZA: Mr. Chairman.

17

18 CHAIRMAN THOMAS: Dolly.

19

20 MS. GARZA: So we received the 3.1 million
21 but only two million is being used for fishery monitoring
22 projects?

23

24 MR. CASIPIT: Actually it's a little over
25 two million we're dedicating to monitoring this year. And
26 that's Forest Service wide, that's both the Chugach and the
27 Tongass, together.

28

29 That 3.15 million dollars to fish
30 monitoring was assuming a 10 million dollar program. And
31 that 3.15 would be a minimum figure for a 10 million dollar
32 program.

33

34 CHAIRMAN THOMAS: Thank you. So now you
35 guys are as informed as we are. And this was some of the
36 things we wrestled with in Anchorage at the time because we
37 didn't have very much time to adjust our thought process
38 when we realized we didn't have that anticipated amount of
39 money to work with. So through it all I think we did okay.

40

41 Help me out, Council, anything else we need
42 to do? So does this satisfy that line item on the agenda?
43 Okay, thank you. Thank you, Staff, for the good help on
44 that. Okay, now what's our next agenda item?

45

46 MR. CLARK: Mr. Chairman, we're at 9e.

47

48 CHAIRMAN THOMAS: 9e, thank you.

49

50 MR. CLARK: Agency and tribal reports

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1 unless OSM Staff has anything more?

2

3 MR. McBRIDE: No.

4

5 MR. CLARK: Okay. Okay, OSM Staff is done
6 so that brings us to agency and tribal reports. The first
7 one under that is USDA Forest Service, and I know that Bob
8 Schroeder has something that he'd like to present.

9

10 MS. GARZA: Mr. Chairman.

11

12 CHAIRMAN THOMAS: Dolly.

13

14 MS. GARZA: Excuse me, Mr. Chairman, before
15 we get to that, I would like to request informally or
16 perhaps formally, that we had looked at the paperwork from
17 Jude Pate regarding hunting from a boat and we supported
18 that language and we supported the justification and it was
19 brought to my attention that it might go forward better as
20 a resolution form.

21

22 CHAIRMAN THOMAS: Okay.

23

24 MS. GARZA: To the full Federal Subsistence
25 Board so I would like to suggest that we take that
26 justification and work with it. And I can do it, work with
27 Jude or work with -- Ida, has volunteered to develop that
28 into a resolution that the Chairman would take to the
29 Federal Subsistence Board meeting.

30

31 CHAIRMAN THOMAS: Okay. I will yield and
32 support the choice of the Council so that's what we'll do.

33

34 MS. GARZA: Thank you, Mr. Chairman.

35

36 CHAIRMAN THOMAS: Thank you, Dolly. Fred,
37 would you help me out and lead us through 9e as we go
38 along?

39

40 MR. CLARK: Sure, I'd be happy to.

41

42 CHAIRMAN THOMAS: Thank you.

43

44 MR. CLARK: I've had a request from Bob
45 Schroeder to give the Council an update on some of the work
46 that the Forest Science Lab has been doing, so at this time
47 I'd like to bring Bob up.

48

49 CHAIRMAN THOMAS: Bob.

50

1 MR. SCHROEDER: Mr. Chairman, members of
2 the Council. It always feels really good to be before you
3 one more time, and
4 I'm remembering that this is an anniversary meeting and I
5 don't think anyone announced that, I think it was 10 years
6 ago that the Regional Council first met in Sitka in
7 Centennial Hall. I'm not sure whether that was spring or
8 another time.

9
10 CHAIRMAN THOMAS: I think it was fall.

11
12 MR. SCHROEDER: Maybe it was fall.

13
14 CHAIRMAN THOMAS: Yeah.

15
16 MR. ANDERSON: Fall.

17
18 CHAIRMAN THOMAS: Yeah.

19
20 MR. SCHROEDER: I thought I'd just let you
21 know a little bit where we are on a couple of subsistence
22 areas that we're working on through the Forest Sciences
23 Lab. These really follow on your previous discussion of
24 the projects that you were talking about at your Douglas
25 meeting and the priorities that you set at that time. And
26 what I heard at that time is that you had a high priority
27 on TEK projects and on subsistence harvest monitoring
28 projects and also that there was a real high priority to
29 work as closely as possible with tribal government
30 entities.

31
32 CHAIRMAN THOMAS: Bob.

33
34 MR. SCHROEDER: Yes.

35
36 CHAIRMAN THOMAS: For my benefit if nobody
37 else's, would you just really briefly tell us what your
38 position is now and what your goals and ambitions of your
39 office are?

40
41 MR. SCHROEDER: I want to be famous Bill.

42
43 CHAIRMAN THOMAS: Not that brief.

44
45 (Laughter)

46
47 MR. SCHROEDER: Okay, Bill, I'm working at
48 the Juneau Forestry Sciences Lab, which is a part of the
49 Pacific Northwest Research Station and so it's a separate
50 entity from the Tongass National Forest and the regional

1 office. So my other Forest Service colleagues work either
2 with the region or some people work -- Dave Johnson works
3 for the Forest. The mission of the Pacific Northwest
4 Research Station, very broadly, is to do research on --
5 scientific research on various topics that would affect
6 Forest management and basically sees things in a more long-
7 term perspective than just exactly what's going to happen
8 next year. So the station has quite a few biological
9 scientists on board who study things in addition to fish
10 and wildlife, they do hydrology, and soils and as you'd
11 expect, since it's Forest Service, a lot of how do trees
12 grow research. And so I'm there for about two and a half
13 years now and will probably be continuing to do that for
14 quite a while, I'm set up for the next two years. My duty
15 assignments there include subsistence, which is a large
16 part of my work. I also do work on tourism -- I'll say
17 subsistence includes the TEK. I also do research on
18 tourism and other survey research on other topics in
19 Southeast Alaska.

20
21 CHAIRMAN THOMAS: Okay, thank you.

22
23 MR. SCHROEDER: So that's where I'm at. I
24 really feel the subsistence work is continuing on working
25 with the Council, particularly on these projects. The
26 first set of projects I'll talk about will be the
27 subsistence harvest assessments and I really think that
28 this very successful effort in Southeast Alaska is due an
29 awful lot to the consistent support of the Council, going
30 back, oh, probably five or six years, back when the State
31 was a little reluctant to support projects to find out what
32 people did in communities and to provide updated data, and
33 the Council weighed in at very important times in that
34 history.

35
36 At the present time Forest Service is
37 taking the lead in funding those projects, and these are
38 projects to update subsistence data. The basic data that
39 you need if you're going to make management suggestions by
40 undertaking harvest assessment surveys in Southeast Alaska
41 communities. This is, I think the fifth year of this
42 project, a certain number of communities are done each
43 year. A great deal of the work has been done under
44 contract with Forest Service by my colleagues at Division
45 of Subsistence, unfortunately they were unable to be here
46 today to talk about their work. This last year they did
47 work in Saxman, Petersburg and Wrangell.

48
49 Something new, since change creates
50 opportunity has been the project in Yakutat, which was

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1 directly contracted with the Yakutat tribe. So hopefully a
2 wave of the future will be that since tribal capability of
3 doing research and being involved in resource management
4 decisions has increased so astoundingly in recent years,
5 that tribes will increasingly take on their own work and be
6 involved, not only in data collection but in analysis and
7 right up to the presentation. So if we're still doing this
8 in five or 10 years, I would hope that a good deal of the
9 presenters would be tribal council staff who present the
10 work that they've accomplished in cooperation with Federal
11 and State colleagues.

12
13 So we have the subsistence harvest
14 assessment project is getting close to being -- this round
15 of harvest assessments is getting close to being done. And
16 the work that remains, there are two pieces of work. One
17 is there's still some communities where harvest assessment
18 surveys need to take place, these include Tenakee Springs,
19 Pelican, Elfin Cove, Gustavas, Port Alexander, Hyder and
20 perhaps Metlakatla. Metlakatla may do their own work
21 because they have Indian country. That work in these
22 remaining communities would probably take place next year.
23 We simply don't have the capability at this moment to
24 undertake it this year. The other piece of work on that
25 project that needs to take place is it's time to do a major
26 write up. So you've already seen a fair amount of the
27 quantitative data at various times when it comes up in your
28 deliberations over proposals, it's time to write up what
29 will serve as a reference document on this whole project so
30 you'll have -- you or anyone who's interested in how much,
31 how many critters people take in Southeast, we'll have a
32 good reference document. And also we want to do a good
33 comparison and analysis because what we found in looking
34 back, comparing this recent data with data from an earlier
35 time, from the '80s, is that subsistence in all our study
36 communities is really consistent over this time period. So
37 what we're seeing in either the year 2000 or whenever we
38 did the surveys is very much the same as the same
39 subsistence patterns we say in 1987 and in earlier work.
40 And I, frankly, was surprised because there's been so much
41 change in Southeast, economic change, people moving around,
42 very significant impacts from logging. Some how or
43 another, and the mystery -- some parts of it area a mystery
44 to me, the subsistence harvest levels and the participation
45 stays pretty much the same. Just by anecdote, I was real
46 worried in one community, there had been a very large
47 corporation distribution in the year we were looking at
48 subsistence harvest and I thought, oh, my God, everyone's
49 going to be eating steaks and going to Hawaii, which was
50 true, but the subsistence harvest levels for that place,

1 even though they had this big spike in income, actually
2 went up a big. So it didn't decrease simply because people
3 had a lot of money in their pocket.

4
5 So this is really interesting information
6 that I'm planning to work on a good deal in this coming
7 year. I've got a Council request. Fortunately I'm not
8 requesting money, and I'm not requesting a letter of
9 support but I'm requesting that two or three Council
10 members could be identified to interact with me as we plan
11 out how we write this up and what directions we take. And
12 I see this as being a cooperative effort where at different
13 points, I, and the other people who are doing the write up
14 and are getting paid to do that, would touch in and get
15 your opinions on if we're on the right track, if we need
16 different corrections of when we come up with things that
17 are just unusual, you all might have some ideas. So that's
18 a request to the Council.

19
20 The second set of projects has to do with
21 the TEK projects. About two and a half years ago, just
22 after I started this job, a colleague of mine from the
23 University of Alaska-Fairbanks did sort of a pilot study in
24 Southeast, where he went around and was looking at possible
25 TEK topics that would be good to research, that might fit
26 in with what could flow through the Forest Sciences Lab.
27 And what he came out with was perhaps not surprising to you
28 all, but that the best and most relevant topic appeared to
29 be research that would look at traditional Tlinget
30 territory. And that move -- the idea for that project was
31 discussed quite a bit last year in January, February and
32 March, leading up to your Douglas meeting as being an
33 identified TEK project that it appeared quite a few tribes
34 were interested in and I was interested in it from a
35 scientific point of view.

36
37 Very briefly and you'll know I'll go on
38 forever, Mr. Chairman, so you can cut my mike off at any
39 time. But very briefly, we have this amazing situation in
40 Southeast Alaska where the tribes in Southeast are living
41 in their ancestral territories using the same land and
42 resources that they were using at the time that the
43 Russians came here. And if you think about it, we may
44 assume that this is just the way the state of the world is
45 but most Native American groups or for that matter, most
46 aboriginal groups have been separated from their land and
47 resources in the Colonial area. So on the one hand we have
48 the existing tribes are in the locations that they were in
49 200 years ago or 500 years ago or a thousand years ago,
50 maybe 10,000 years ago; this is really an amazing

1 situation.

2

3 CHAIRMAN THOMAS: Since time and memorial.

4

5 MR. SCHROEDER: We also have some pretty
6 good ethnographic records where elders in the '40s and
7 before sat down and were willing to share their knowledge
8 and information about tribal territories and clan houses
9 and place names and other things so we have a pretty good
10 idea of where people from Angoon originated or where people
11 from Kake originally had their camps. The goal of the
12 current research is to document what territory means at
13 this present time. Is this still a live concept for people
14 or is it just something that is of historical interest that
15 you'd read about when you look in Emmans or Fredrika
16 DelLaguna's work (ph). I, of course, think that it is just
17 from my -- from what people have graciously told me and
18 from what I see going to communities, that the facts of
19 clan territory and origin and houses are extremely
20 important. So this project aims to provide an up-to-date
21 documentation of these things. And again, this is a
22 project which is contracted directly to tribes. The first
23 years work is targeting Angoon, Hoonah and Kake and then
24 some time over the next months we'll be deciding which next
25 three communities can be added in.

26

27 CHAIRMAN THOMAS: Okay. Bob.

28

29 MR. SCHROEDER: Yes, Bill.

30

31 CHAIRMAN THOMAS: You know, I really --
32 that was the best report I've heard you give in -- since
33 time and memorial.

34

35 (Laughter)

36

37 CHAIRMAN THOMAS: And it verified much of
38 what the audience has known and has tried to convey over
39 the last, at least 10 years since we got more intimately
40 involved as communities in this process. And so I think
41 the information that we just got from you was really a
42 breath of fresh air. We feel like we're somewhat on
43 target. And we've always felt that but this kind of
44 confirms it. And we appreciate that, but I don't know how
45 much time to anticipate that other presenters are going to
46 need so thank you so much.

47

48 MS. GARZA: Mr. Chairman.

49

50 CHAIRMAN THOMAS: Dolly.

1 MS. GARZA: A couple things. One, I'd like
2 to be on your committee. Two, is of the historic data that
3 was done on subsistence uses, is there information for
4 Juneau, Douglas or Ketchikan?

5
6 MR. SCHROEDER: Mr. Chairman, Dolly.
7 Things are thinner for those communities. So, yes, there's
8 some material.....

9
10 MS. GARZA: Okay.

11
12 MR. SCHROEDER:but it isn't as rich
13 as it is for the smaller places.

14
15 MS. GARZA: Okay. So if KIC or T&H or
16 Douglas Indian Association would like to pursue getting
17 additional material, who would they contact to try and
18 figure out how to do grants and how to go forward?

19
20 MR. SCHROEDER: I think it would be good
21 for that to proceed sometime at an appropriate time as a
22 Council discussion and then also you know, to talk,
23 probably before that time with me and we could do some
24 brainstorming and see what would work there.

25
26 MS. GARZA: Okay.

27
28 MR. SCHROEDER: The current project should
29 continue for at least one more year and then it's at the
30 whims of Federal funding. But I would imagine that if
31 we're successful in the first communities, that there would
32 be an impetus, if the information's useful, to continue
33 with the project until all tribes in Southeast have the
34 opportunity to participate.

35
36 MS. GARZA: So if there is an opportunity
37 to expand it to include our urban communities, then we
38 could work with you to find that support?

39
40 MR. SCHROEDER: Yes, that would be -- it
41 would go through the proposal process and we'd simply add
42 those tribes on as being other tribes that were contacted
43 and where they would fall in the sequence is yet to be
44 determined. Because the maximum that we're able to
45 initiate in any one year is about three, which is fairly
46 ambitious.

47
48 MS. GARZA: The final comment has to do
49 with basketry. And I hadn't thought about it before, but
50 in your position with these Forestry guys, one of the big

1 issues that the Tlinget weavers, the contemporary weavers
2 face is finding adequate material. I mean if you look at
3 the historic baskets they were beautiful and they were
4 quite plentiful. There were many basket weavers and many
5 baskets that were woven and yet, now, there are very few
6 places where people know to go get roots. I mean it's
7 Yakutat, it's Juneau airport or down to Canada on Hydagli
8 (ph), so it would be interesting to somehow pull together a
9 meeting between basket weavers and Forestry people and talk
10 about what kinds of areas are needed for basket weaving and
11 then for material gathering and to figure out whether or
12 not there are places that we are missing that Forestry
13 people might be able to help us find.

14
15 MR. SCHROEDER: I think that would be
16 really interesting. Probably talking to soils people would
17 be part of that because I've heard from different weavers
18 that I've talked to that certain soil types make for good
19 spruce roots, sandy soils, especially.

20
21 CHAIRMAN THOMAS: Did you give us a number
22 of Council people you'd like to work with?

23
24 MR. SCHROEDER: Mr. Chairman, I think it
25 would be good if you could identify three people who really
26 like to work hard.

27
28 CHAIRMAN THOMAS: Okay, John Littlefield's
29 the second one. Bert. There they are. Bert, John and
30 Dolly.

31
32 MR. SCHROEDER: Thanks, very much, Mr.
33 Chairman.

34
35 CHAIRMAN THOMAS: Thank you. Bert, do you
36 resign?

37
38 MR. ADAMS: Yeah.

39
40 CHAIRMAN THOMAS: Go ahead.

41
42 (Laughter)

43
44 MR. ADAMS: Just a matter of information on
45 the subsistence harvest survey that's being taken -- doing
46 in Yakutat as we speak, as Bob mentioned, you know, it was
47 a contract between his organization and the tribe. And we
48 hired two anthropology degreed tribal members who are
49 working on that project as we speak. And we're gearing
50 these up, you know, for future TEK projects up as well. So

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1 I thought maybe that might be a matter of information, we
2 are getting more and more of our people involved in these
3 projects and I think that's great.

4

5 CHAIRMAN THOMAS: Good. Thank you. Thank
6 you. Thank you, thank you, thank you. Ida.

7

8 MS. HILDEBRAND: Thank you, Mr. Chairman.
9 Ida Hildebrand, BIA Staff Committee member. I just wanted
10 to state on the record that Mr. Schroeder said it was a
11 mystery to him how subsistence users, although they had
12 more income, still harvests the same amount of subsistence
13 and still use subsistence, so for the record and for Mr.
14 Schroeder's benefit, I'd like to state that in my opinion
15 it is because subsistence use in Alaska's indigenous people
16 is part of the culture, is part of the belief system, it's
17 part of the spiritual system, it is our culture. Thank
18 you.

19

20 CHAIRMAN THOMAS: Thank you. I think Bob
21 knew that, he just likes to play possum once in awhile. He
22 doesn't fool me anymore.

23

24 MR. KOOKESH: He wanted money.

25

26 CHAIRMAN THOMAS: He wanted money. He's
27 got a big paying job.

28

29 MR. CLARK: Mr. Chairman.

30

31 CHAIRMAN THOMAS: He's not a Native
32 Liaison. A Native Liaison will never be reach, but
33 Schroeder will be rich.

34

35 (Laughter)

36

37 CHAIRMAN THOMAS: Fred.

38

39 MR. CLARK: The next person on the docket
40 is one of them ore flexible people in his profession and
41 you've already seen that happen, Jim Ustasiewski is going
42 to give us a very brief update on legal things -- things
43 legal.

44

45 CHAIRMAN THOMAS: Thank you, Jim, that was
46 really good.

47

48 (Laughter)

49

50 CHAIRMAN THOMAS: No, come on up, Jim.

1 MR. USTASIEWSKI: I haven't been called
2 flexible in about 10 years I think.

3
4 MS. WILSON: How do you spell his last
5 name?

6
7 MR. USTASIEWSKI: Jim Ustasiewski, spelled
8 just like it sounds.

9
10 (Laughter)

11
12 MR. USTASIEWSKI: I'll give you a business
13 card. I'm not sure whether I can remember how to spell it
14 right off the -- right at the moment.

15
16 CHAIRMAN THOMAS: I saw Jude Pate and
17 Johnny Cockran walking back there so.....

18
19 MR. USTASIEWSKI: Uh-huh.

20
21 (Laughter)

22
23 MR. USTASIEWSKI: I'd like to, Mr. Chair,
24 give you an update on subsistence litigation in Federal
25 court. In particular, starting with the Katie John case
26 which was the subject of an oral argument in late December
27 before the Ninth Circuit Court of Appeals. The Ninth
28 Circuit judges, it was what they call an on bonk panel of
29 Ninth Circuit judges, a Latin term meaning full panel, and
30 in this case actually it was about half of the judges -- 11
31 judges of the Ninth Circuit hearing this appeal by the
32 state of Alaska. You'll remember, of course, about five
33 years ago, six years ago, the state of Alaska appealed the
34 case to the Ninth Circuit, the Katie John case and we got a
35 favorable decision from the Ninth Circuit that led to the
36 Federal Subsistence Board and this Regional Advisory
37 Council and other Regional Advisory Councils managing the
38 subsistence fishing in navigable waters. But after a final
39 decision was entered in that case after years of the State
40 Legislature wrestling with the constitutional amendment,
41 the case became final and the state of Alaska appealed yet
42 again, this time they have an audience before 11 judges, 11
43 different judges of the Ninth Circuit as opposed to the
44 three that they previously had. As I say, there was an
45 oral argument just before Christmas and I was able to
46 attend that and the argument, I think, went pretty well for
47 the Federal government. It's kind of like how they were
48 talking about the Bush versus Gore case, you know, you
49 don't want to draw too much from the judge's questions, you
50 never really can tell if their question is revealing how

1 they think about the case or whether they're just playing
2 devil's advocate. But I would say there were a lot of hard
3 questions of the State, there were hard questions of the
4 Federal representatives as well, hard questions of the
5 Katie John attorneys but I felt that we had done a pretty
6 good job in answering those.

7
8 And the State really narrowed its case down
9 to a principle of law called the Clear Statement Doctrine,
10 which states basically that in order for the Federal
11 government to preempt State law, we had some discussion
12 about that earlier with respect to deer hunting from marine
13 waters, in order for the Federal government to preempt a
14 traditional area of State's regulation, the Federal
15 government has to state it clearly that that's what they're
16 doing. And as I said, the State narrowed its argument just
17 down to that one principle of law saying that we didn't do
18 that, Congress didn't do that in Title VIII of ANILCA. We
19 think we have a fairly good case on that because ANILCA
20 specifically preempts state law, state contrary law on
21 subsistence, and further it specifically says that public
22 lands includes waters. The issue in this case being, does
23 it include navigable waters? Our argument is waters
24 includes navigable and non-navigable waters, so Congress
25 clearly stated that intended to allow for the subsistence
26 priority in navigable waters.

27
28 So we had the argument in December, the
29 case is under review by these 11 judges. Ordinarily we use
30 six months as a rough estimate of how long it takes to get
31 a decision from the Ninth Circuit once a case has been
32 argued and with the on bonk panel, the 11 judges as opposed
33 to just three, it could take longer than that but we're
34 hopeful of a favorable decision this summer, perhaps in the
35 fall. That's the Katie John status.

36
37 I should have mentioned from the outset
38 that I'm looking off of a subsistence litigation write up
39 that I did for the Hydaburg meeting that we had last fall
40 and unfortunately I haven't been able to update it. I
41 meant to do that before coming here so that you'd have it
42 in your notebooks. I've been a little bit on the travel,
43 we had a computer problem, I just wasn't able to get it
44 updated but I think I'll -- I'll try to do that and get
45 that to you through Fred so you can see what the new
46 version of this is from the Hydaburg meeting.

47
48 CHAIRMAN THOMAS: When the State was
49 focusing that Federal government didn't address the
50 traditional -- how did you phrase that, the

00169

1 traditional.....

2

3 MR. USTASIEWSKI: The State's traditional
4 power over hunting and fishing.

5

6 CHAIRMAN THOMAS: Did they define
7 traditional?

8

9 MR. USTASIEWSKI: Well, the way the State
10 sees it is traditional with respect to the Federal
11 government that -- and this is the case that nationwide,
12 state's generally regulate hunting and fishing within their
13 state boundaries.

14

15 CHAIRMAN THOMAS: Uh-huh.

16

17 MR. USTASIEWSKI: But where you have
18 reservations in the Lower 48 or treaties that provide for
19 hunting and fishing rights, those are usually Federally
20 managed, Federally-controlled rights and any contrary state
21 law is preempted as a result. Then there have been recent
22 Supreme Court cases that have addressed that. In 1999, the
23 Millouxban of Chippewa took a case to the Supreme Court and
24 won, arguing that the Federal treaty they had preempted
25 contrary state -- state of Minnesota in that case, state
26 law that precluded them from going off their reservation
27 and hunting in their traditional -- their traditional
28 areas.....

29

30 CHAIRMAN THOMAS: Right.

31

32 MR. USTASIEWSKI: And so the Indian
33 tradition overcame the state tradition in that Supreme
34 Court case.

35

36 CHAIRMAN THOMAS: Thank you.

37

38 MR. USTASIEWSKI: The next case I had on my
39 outline is the Ninilchik Traditional Council, there's that
40 word again, versus United States and.....

41

42 CHAIRMAN THOMAS: Now, that traditional, is
43 that defined the same way traditional was used in the
44 context prior?

45

46 MR. USTASIEWSKI: You may need to ask the
47 Ninilchik folks for that but I would assume so.

48

49 CHAIRMAN THOMAS: No, no, no, now, you're
50 taking it off the same document.

1 (Laughter)

2

3

4 MR. USTASIEWSKI: I think they mean it as
5 in an Indian way not the State way. But that's a case that
6 got decided last fall and I think we've had some discussion
7 about that. It's the case where the Ninilchik tribe argued
8 that they weren't getting a subsistence priority for moose
9 hunting on the Kenai and they saw the non-traditional urban
10 hunters were being allowed to hunt moose on the Kenai and
11 there were some restrictions to subsistence traditional
12 hunting of moose on the Kenai and they argued that the
13 Federal government should stop all non-rural hunting before
14 it has any kind of restriction on the subsistence hunting.
15 As I said, this case got decided last fall by the Ninth
16 Circuit that essentially the obligation under Title VIII is
17 to provide for some meaningful subsistence priority. There
18 may be, the Ninth Circuit says, a situation where there's a
19 restriction on subsistence as well as non-subsistence
20 hunting without a total exclusion of non-subsistence
21 hunting, that that would not necessarily run afoul of Title
22 VIII. So they decided for the United States in that case
23 against the tribe for Ninilchik, and said that there is a
24 meaningful priority for subsistence because they allowed
25 them to hunt two weeks earlier for moose. Actually the
26 Federal government lost a part of that case, Unit 15(A), I
27 think it is. The Office of Subsistence Management as I
28 understand it, is going back now in the process of trying
29 to provide a meaningful priority for subsistence in Unit
30 15(A) down on the Kenai.

31

32 CHAIRMAN THOMAS: Okay. They're all pretty
33 much the same thing, so.....

34

35 MR. USTASIEWSKI: Uh-huh.

36

37 CHAIRMAN THOMAS:yeah, all the legal
38 beagles here, we're losing them so, I think we'll move onto
39 something different.

40

41 MR. USTASIEWSKI: Okay.

42

43 CHAIRMAN THOMAS: Thank you very much.

44

45 MR. USTASIEWSKI: Thank you.

46

47 CHAIRMAN THOMAS: Did Park Service already
48 -- okay, Park Service.

49

50 MR. CLARK: Bill, you're usurping my power.

1 CHAIRMAN THOMAS: You weren't paying
2 attention. You were doing like me. Park Service.

3
4 MS. GOTTLIEB: Thank you, Mr. Chairman.
5 I'm Judy Gottlieb, Associate Regional Director for the
6 National Park Service here in Alaska and member of the
7 Federal Subsistence Board. I'm a 25 year resident of
8 Alaska and have been privileged to visit most but not all
9 of your communities and appreciate, again, your hospitality
10 at the meeting here today. While the National Park Service
11 does not have a lot of lands or waters in the areas that
12 you usually discuss, as you know on the Board, I have to
13 vote on areas even where we don't have lands, just as you,
14 likewise, represent other communities besides the one that
15 you hale from. And it's been very helpful to hear
16 firsthand your discussions so that I'll know a little bit
17 more about the issues when they come to me in May and your
18 Chair always fills in any blanks that any of us might have
19 as well.

20
21 Today I just wanted to speak with you
22 briefly on one of the fisheries monitoring projects. Our
23 Staff person wasn't able to make this meeting so I'm
24 nominated to carry the word forward on this. But it really
25 works well with the discussion you had before lunch as well
26 as just after lunch on your priorities. And Council member
27 Adams can certainly help me out on this, the one I wanted
28 to particularly mention to you does have to do with sockeye
29 salmon so that's amongst your priorities and certainly a
30 has very good group of partners involved, including the
31 Yakutat Tlinget Tribe, city and borough of Yakutat as well
32 as the National Park Service. This is also complimentary
33 to the TEK study that Bob mentioned to you that has been
34 approved. This project was submitted as part of the 2002
35 group, so it's going to be under review and any support
36 that the RAC can toss its way will certainly help in the
37 priority setting.

38
39 This project is a fisheries research and
40 monitoring project regarding East River sockeye, and this
41 addresses a sockeye stock status. And the reason this is
42 particularly needed is it's unique group of salmon in that
43 they don't -- this sockeye don't rear in -- they don't rear
44 in fresh water for a year or so like most but they migrate
45 out to the ocean pretty quickly. It's also concern because
46 of higher use and lower catches in recent years, in fact,
47 the commercial fishery has been closed the last couple of
48 years in that area. The other reason it's quite a concern
49 is because of the anticipation that the Hubbard Glacier is
50 going to damn up Russell Fjord and we don't know exactly

1 how that's going to affect the Yakutat area but we'd like
2 to learn about the sockeye population before that happens.
3 So the kinds of products that would come out of this work
4 would be a bibliography and then a final report that would
5 summarize the existing, both physical and biological data,
6 relevant to the East River and the sockeye there.

7
8 So I just wanted to bring that to your
9 attention, and Mr. Chair, if Mr. Adams has anything to add
10 I'd certainly appreciate that as well.

11
12 CHAIRMAN THOMAS: Thank you. Bert.

13
14 MR. ADAMS: Thank you, Mr. Chairman. And
15 Judy, appreciate you bringing this forth at this time. As
16 she mentioned earlier, the TEK project, you know, is
17 already in the process of being funded, you heard about
18 that earlier. And this proposal is just a second step in
19 trying to find out what's happening in the Alsek River
20 system. So the project, you know, designed in about four
21 stages and this proposal here is just the second one that
22 we're going to try to push through. Next year we're going
23 to do the one that was identified in the previous
24 presentation in regards to stock assessment and things.

25
26 I kind of lost my train of thought here but
27 I promised Judy that I would try to fill in the blanks but
28 I think that this is a pretty important proposal and what
29 she presented this to us for was to get our support on it
30 so that it could have a pretty good chance in getting
31 passed in the Federal Subsistence Board.

32
33 CHAIRMAN THOMAS: So did you want to make
34 this an action item, Bert?

35
36 MR. ADAMS: Yes, and for that purpose, Mr.
37 Chairman, I move that we adopt this proposal.

38
39 CHAIRMAN THOMAS: Okay. There's a motion
40 on the floor, is there a second?

41
42 MS. WILSON: I second that Mr. Chairman.

43
44 CHAIRMAN THOMAS: It's been moved and
45 seconded to adopt this proposal to forward to the Board for
46 their consideration. Further discussion.

47
48 MR. ADAMS: Mr. Chairman, one of the -- you
49 know, Judy touched upon the fact that the Hubbard Glacier
50 is probably going to advance and close off at Gilbert

1 Point. It did that in 1986 and it was dammed almost all
2 summer, it broke in October. But scientists are saying
3 that this is going to happen again and when it does it's
4 going to be a permanent closure. What this will do then is
5 -- in the 1986 closure it was raising the Russell Fjord at
6 a rate of about 12 to 18 inches a day from the run off from
7 the glaciers and so forth. And it was just about ready to
8 spill off into Situk Mountain Lakes and the Situk River.
9 If that ever happens -- well, whenever the Hubbard Glacier
10 closes off again, it's going to be permanent and eventually
11 it will spill off and it will change the whole Situk River
12 system. It will be no longer a fresh water system but a
13 glacier system, which would take many, many years, we
14 believe, you know to restore itself again, if ever.

15
16 So what's happening is that we're kind of
17 looking ahead here because if that glacier closes off,
18 damages the Situk River system more and more of our Yakutat
19 people are going to be going back to the Dry Bay area, you
20 know, to take care of their subsistence needs. And with
21 the declining of the East Alsek River system, over the past
22 few years, you know, we want to see -- find out what's
23 causing it and see if we can start a restoration program so
24 that those resources will be there when we need it.

25
26 CHAIRMAN THOMAS: Okay. John.

27
28 MR. LITTLEFIELD: Mr. Chairman. Earlier we
29 looked at Page 16, which was the Southeast Subsistence
30 Fisheries Monitoring and Doug McBride walked us through
31 some of this, we found out how much money we had available.
32 This project is listed under stock status and trends, the
33 last bullet item under number 1. I'm somewhat reluctant to
34 support this, although, zero check fisheries on here are
35 really interesting and I think we have to investigate them
36 more as well as the chinooks that are zero checks, but I
37 think what we're doing is preempting this. If we were to
38 support this now we would not even have a technical review
39 committee look at this and I think we're jumping the gun
40 here. And I like this project, but I think we're jumping
41 ahead of ourself by at least one meeting. And I think I'd
42 like to see more information on this. We only have
43 \$468,000 available and if you look at these projects,
44 subsistence harvest monitoring and TEK projects exceeded
45 that. So we're going to be cutting somewhere and I would
46 like to -- when I prioritize projects I would like to look
47 at all of them so I would like to see this looked at in the
48 fall.

49
50 CHAIRMAN THOMAS: Okay. Bert.

1 MR. ADAMS: Mr. Chairman, thank you. And
2 John, just for your information this will be reviewed by
3 the technical people. I think what we're looking for right
4 now is support from this body so that it will have an
5 easier time getting through to the Federal Subsistence
6 Board. Am I correct in that, Judy?

7
8 MS. GOTTLIEB: Mr. Chairman, I think both
9 Bert and John are correct, that you will still have time to
10 look at the proposals. The technical committee as well, of
11 course, the Board puts a lot of weight on when the RAC does
12 support something. But the technical committee will be
13 reviewing this as well as all the other projects that are
14 to be looked at for Southeast and no final decision will be
15 made until after the fall.

16
17 MS. GARZA: Mr. Chairman.

18
19 CHAIRMAN THOMAS: Dolly.

20
21 MS. GARZA: I agree with John. You know,
22 although we support this I don't think we should take
23 action now until we do see the full package because we need
24 to see what other proposals have been submitted by what
25 tribes and say, okay, this is what we want to go forward
26 with and if we, you know, face a situation where the needs
27 are greater than what we have then we may have to
28 prioritize again or we may have to just seek more funding.
29 But we do have a process to follow and I think we need to
30 follow that.

31
32 CHAIRMAN THOMAS: There's other action that
33 the Council can offer, so what's the wishes of the Council
34 under discussion? John.

35
36 MR. LITTLEFIELD: Mr. Chairman, I will make
37 a move to table.

38
39 CHAIRMAN THOMAS: Move to table, is there a
40 second?

41
42 MR. STOKES: I second.

43
44 CHAIRMAN THOMAS: Non-debatable. All those
45 in favor say aye.

46
47 IN UNISON: Aye.

48
49 CHAIRMAN THOMAS: Those opposed.

50

1 (No opposing votes)

2
3 CHAIRMAN THOMAS: Okay, this is tabled
4 until the Council feels a little more comfortable in
5 dealing with it. I would like to say that I like the way
6 that this was put together. Who put it together, Bert?

7
8 MS. PHILLIPS: This is very well done.

9
10 CHAIRMAN THOMAS: Yeah.

11
12 MR. ADAMS: Mr. Chairman, the way that this
13 proposal was put together was a consortium of a group of
14 people from the community of Yakutat, which involved the
15 National Park Service, US Forest Service, Yakutat Tlinget
16 Tribe, Yakutat-Kwan, it was just a grassroots efforts of
17 everyone who had a special interest in that system down
18 there, they got together and they addressed it. We came
19 out with four different proposals and we're going to try to
20 get all four of them done, year after year after year.
21 That's our plan, thank you.

22
23 CHAIRMAN THOMAS: John.

24
25 MR. LITTLEFIELD: Mr. Chairman, I agree,
26 this proposal is very well done. It has all of the things
27 in it that I like to see, there's partnershiping. And I
28 think if we weren't faced with a money crunch it would be a
29 no-brainer. And I think that we need to make that clear to
30 the Federal Subsistence Board, that these projects that are
31 being presented to us, I think all have merit. Last year
32 we had to cut projects that had merit and I think the
33 underlying problem is we need more money and I think that
34 should be made well aware to the Federal Subsistence Board
35 and any others.

36
37 CHAIRMAN THOMAS: Okay, thank you. Thank
38 you, Judy.

39
40 MS. GOTTLIEB: Thank you, Mr. Chairman.

41
42 CHAIRMAN THOMAS: Five minutes.

43
44 (Off record)

45
46 (On record)

47
48 CHAIRMAN THOMAS: Okay, we'll come back to
49 order. So far we've heard from the Forest Service, the
50 Park Service, other tribes.

1 MR. CLARK: No.

2
3 CHAIRMAN THOMAS: No.

4
5 MR. CLARK: Mr. Chairman, Sitka Tribe is
6 next up.

7
8 CHAIRMAN THOMAS: Sitka Tribe.

9
10 MR. HOPE: Thank you, Mr. Chairman and
11 Committee. For the audio recording, my name is Gerry Hope,
12 treasurer to the tribal council, Sitka Tribe of Alaska.
13 And Jack will introduce himself, we're going to tag team
14 the Sitka Tribe of Alaska report. First of all, I'd like
15 to say thank you for the Council committee on your vote
16 regarding Proposal No. 4, that was a critical vote and we
17 see that, yet again, as something that the committee
18 continues to demonstrate and that is the sensitivity and
19 support and understanding -- intimate understanding about
20 Alaska Natives and their existence in Southeast in the
21 communities. You continue to hold your meetings where, as
22 some people phrase, where the rubber meets the road, where
23 the boat meets the ocean, whatever, the phraseology that
24 you want to use, but obviously that makes a big difference,
25 you don't stay in Juneau nor do you stay in D.C., or
26 Anchorage, away from where people utilize their existence.
27 And your vote on Proposal No. 4 demonstrated that clearly,
28 once again, as I say a big thank you.

29
30 CHAIRMAN THOMAS: Gerry, can I interrupt
31 you for just a second?

32
33 MR. HOPE: Yes.

34
35 CHAIRMAN THOMAS: While we appreciate the
36 comment, we're not a race oriented advisory council, we're
37 a population and area, so we look after the cultures of the
38 Native and non-Native on an equal basis, just for the
39 record.

40
41 MR. HOPE: And I appreciate that
42 clarification. For the record, my compliments and my
43 stroking of you still stands.

44
45 (Laughter)

46
47 MR. HOPE: A couple of other comments, in
48 the report to you, Mr. Chairman, first of all, I don't have
49 a written report so hopefully the record taking -- the
50 verbal report will be something that will stand in

1 goodstead.

2

3 I do want to say just a couple of general
4 statements, first we do have a memorandum, the Sitka Tribe
5 of Alaska has a MOU, memorandum of understanding with the
6 Forest Service, I believe the Chatham area, and that's been
7 long standing. The STA also has an MOU with the Sitka Park
8 Service, that's been long standing. Those kinds of
9 documents provide a real vital instrument, if you will, in
10 having a continuing dialogue that is meaningful in
11 developing a critical relationship in items on a year-round
12 basis that are very important for us to to try and get a
13 grasp on how we're going to deal with the management of the
14 land, resources, et cetera. While it's not a perfect
15 world, at least, that provides us some sense of instrument
16 where we can have a dialogue in this unperfect world.

17

18 The Kianee Commission (ph) is something
19 that was established by the Sitka Tribe of Alaska. Some of
20 you are familiar with that. While it's something that
21 you're familiar with, it's something that we still feel
22 that is important to sometimes state the obvious even in
23 reports such as this. It's with the establishment of the
24 elders and tribal citizens of STA that really make this an
25 engine of perhaps opportunity that would advance some
26 critical areas that are not fish, that are not animals, but
27 yet are plants and therefore we feel this commission, with
28 the elder's knowledge, we're able to bring forward into the
29 future some critical knowledge and keep those in our target
30 area as well as far as proper management of.

31

32 I'd like to also state that the Sitka Tribe
33 participates annually in the, what is termed, Common
34 Grounds Conference with the Forest Service. This year it's
35 going to be hosted by the Angoon IRA and I understand that
36 it's going to be, not in the spring this year but in the
37 fall time, which would be the first week of October so we
38 look forward to participating in that, of course, but more
39 importantly being a part of the planning process of
40 establishing what that is. I highlight that, not for the
41 purposes of the IRA, necessarily, or of the Forest Service,
42 but hopefully there will be some sense of report that we
43 can get from your body, Mr. Chairman, that would be able to
44 highlight some of the things that would be informational,
45 that those tribes who attend it and usually there's very
46 good participation level of tribes at that Common Grounds
47 Conference, who, possibly may not be aware of the critical
48 issues at that point in time that are -- that would be
49 important for them to understand. And it seems to me just
50 by way of the meeting that you've had over the past day and

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1 a half, there are real informational items that are very,
2 very helpful.

3
4 And also would like to, by way of saying,
5 thanks, to Ms. Garza for her making sure to bridge contacts
6 between the Fish and Wildlife Service, Teresa Woods,
7 specifically and our STA staff. I know that Mr. Lorrigan
8 would be able to provide probably some detail in terms of a
9 report, regarding that, perhaps to the whole body if Ms.
10 Garza has already informed about some of the detail.

11
12 And also regarding some of the information
13 that is helpful, I'd like to say contacts sometimes becomes
14 real critical, in that, Bob Schroeder was able to speak
15 with me in terms of TEKs. Hopefully this kind of format
16 will, in terms of vision, Mr. Chairman, we could look at
17 how we can expand the relationship between your committee
18 and tribes in Southeast. I put the ownership on myself,
19 not necessarily anybody else, but as I was sitting here and
20 thinking about the report, it struck me that there is some
21 very, very good pieces of information and very informative
22 staff through the different agencies and departments as
23 well as your body, as the committee, that really generate a
24 lot of information, and so a vision came across my
25 forethought almost immediately, and what could that vision
26 be? I know that there are some specific things and
27 limitations of your committee, but still, I just -- maybe
28 I'm one of those vision-type people, I don't put that on
29 the table in this report as something that needs to be
30 nailed down but, yet, put on the table and kept on the
31 table to, perhaps, have others have fun with and then
32 perhaps create what that vision might be in relationship
33 between your committee and the tribes.

34
35 But with that, Mr. Chairman, completes, at
36 least, for the moment, my portion of the tag-team report
37 from STA, and I'll turn it over to Mr. Lorrigan to have him
38 properly introduce himself.

39
40 CHAIRMAN THOMAS: Would you explain, for
41 the moment?

42
43 MR. HOPE: It is time and memorial.

44
45 (Laughter)

46
47 CHAIRMAN THOMAS: Jack.

48
49 MR. LORRIGAN: Thank you, Mr. Chairman and
50 Council. My name is Jack Lorrigan, I'm the biologist for

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1 the Sitka Tribe. Just to touch on what Mr. Hope said about
2 the grant that Teresa Woods from the Fish and Wildlife
3 Service applied for in our behalf and we thank her very
4 much for that was a subsistence habitat survey around
5 Southeast Alaska and that money came from the Royal
6 Caribbean lawsuit, if I'm correct and it was probably on
7 the order of \$50,000 to go to the communities around
8 Southeast and talk to the elders or subsistence from those
9 communities about habitat areas where they used to get
10 various things, and we're probably talking about the
11 intertidal environment where they got abalone and seaweed
12 and such.

13
14 Two more things, the Council helped
15 approved the two lake projects, and real briefly those are
16 Salmon Lake, which is at the head of Silver Bay out towards
17 past the pulp mill. The issue with those stocks is that
18 ENSERA has a chum fishery at Deep Inlet and there's concern
19 that the sockeye and coho returning back to Salmon Lake get
20 intercepted by the chum fishery so there's a four-way
21 partnership with the Fish and Game, ENSERA, Forest Service
22 and the Tribe to work cooperatively on that lake. It's a
23 very public project so we're anxious to get going on that.
24 We have a -- the Tribe will be responsible for the weir at
25 the lake so we'll be counting sockeyes and coho into the
26 lake and then retrieving the bodies and they're going to
27 put radio tags on some of the adults and try to find out
28 where they're spawning for that lake.

29
30 Klag Bay is at the other end on west
31 Chichagof, above Slocum Arm. The issue there is that
32 Redoubt Necker Lakes in this Sitka Sound area are very
33 important sockeye producing systems and Klag Bay is third
34 in line for that and there's not that much information
35 about that system so the weir will be in place to determine
36 run strength and sustainability of subsistence and whatever
37 commercial fishery happens out front, if those fish are
38 intercepted. And so that's what we'll be doing, hopefully,
39 for the next three years.

40
41 And that's all I have.

42
43 CHAIRMAN THOMAS: Any questions from the
44 Council?

45
46 MR. HOPE: Mr. Chairman, while I don't have
47 a question, at the moment I do want to say there was an
48 observation about the budget issue. It's obvious that
49 there is a budget that was anticipated, but the amount is
50 less than what was anticipated. This is one area that

1 perhaps the vision could come into play and expand on. We
2 are in a position to talk with the Congressional Delegation
3 and perhaps our voice would be not viewed as the same as
4 your Councils and I'd like to go ahead and offer to work
5 with your committee to gain information, as well as the
6 different agencies and departments that work with your
7 committee, in order to get some detailed information we can
8 go to our Congressional Delegation armed with that kind of
9 information and demonstrate the need to get the funding
10 level where it should be. I offer that.

11
12 And then finally, Mr. Chairman, I know that
13 there is a tribal citizen, if I could extend a request from
14 you to also have three sentence statement from one of our
15 tribal citizens as well?

16
17 CHAIRMAN THOMAS: By all means.

18
19 MR. HOPE: Mr. Ray Neilson.

20
21 MS. GARZA: Just a minute.

22
23 MR. HOPE: Oh, sure, sorry Mr. Chairman.

24
25 MS. GARZA: Ray Neilson's never made a
26 three statement presentation.

27
28 (Laughter)

29
30 MS. GARZA: So one of the comments that I
31 would like to make to you is that Sitka Tribe's biologist
32 or subsistence person has always attended our meeting, Ray
33 Neilson, Jack Lorrigan, Wade Martin, I think even Norm
34 Collier, and this last year was the first time that we
35 missed them. They did not go to the Hydaburg meeting. So
36 although Sitka Tribe has, my understanding, has faced some
37 financial difficulties, I would hope that Sitka Tribe
38 Council realizes how important their presence is at our
39 meetings because Sitka Tribe is really one of the
40 forefronts of promoting subsistence and ensuring
41 subsistence from the tribal perspective. You do a much
42 better job than Tlinget-Haida, than KIC or any of the other
43 smaller tribes, and so we want to thank you for that
44 support you have and hope that the council will continue to
45 support that.

46
47 CHAIRMAN THOMAS: Thank you, Dolly.

48
49 MR. HOPE: Mr. Chairman, I really will take
50 that comment to heart and make sure that that message is

1 advanced to the rest of the tribal council. Fortunately I
2 sit in a position as treasurer to be the finance committee
3 chair as well. So also with that there will be some
4 positive weight gained on that comment.

5

6 CHAIRMAN THOMAS: Thank you. Well, maybe
7 you can explain to us some of the budgetary perils you
8 have. Were you responsible for those?

9

10 MR. HOPE: Absolutely not.

11

12 (Laughter)

13

14 MR. HOPE: However, the perils that are
15 going, I can say I have a positive hand in letting those
16 go. I'd like to call on Mr. Ray Neilson if it's possible.

17

18 MS. GARZA: Wait, I wasn't done with you.

19

20 MR. HOPE: Oh.

21

22 MS. GARZA: One more comment is that the
23 support that we would receive from Sitka Tribe to increase
24 the funding for fishery monitoring projects would be
25 exceptional and perhaps we could get from the fishery
26 people a list of which projects were not funded so we can
27 use it as a demonstration of our unmet needs. And if you
28 guys pull together some type of lobbying effort than other
29 IRAs or communities may be willing to get behind and
30 support that also. Because I think that is what we're
31 going to need in the next couple of years, is a lot more
32 money than what we've been allocated.

33

34 Thank you, Andy.

35

36 MR. HOPE: Mr. Chairman, if this were an
37 ANB meeting I'd have to fine Sister Dolly for calling me
38 Andy, but this is not an ANB meeting, so I don't have the
39 liberty of fining.

40

41 (Laughter)

42

43 MR. HOPE: However, I really look forward
44 to gaining that technical information because that would
45 arm us to the point where we would have a greater sense of
46 success.

47

48 CHAIRMAN THOMAS: Any questions from the
49 Council. John.

50

1 MR. LITTLEFIELD: Mr. Chairman, Jerry --
2 Andy -- no, anyway, I know you well. Anyway, when you ask
3 for this information I think that we have Staff people that
4 can give that to you and make sure that you have all that.
5 However, it's not only fisheries related projects that are
6 being cut and I think we need to look at the broader
7 picture here and include those in your support, that the
8 funds, total funds are inadequate for running subsistence
9 and managing subsistence. The most visible thing to us is
10 cutting our projects, but the overall subsistence area is
11 not funded. So hopefully you could include those in your
12 comments, too.

13
14 Thank you.

15
16 MR. HOPE: Mr. Chairman, those are the
17 kinds of things I really welcome. And those would be
18 exceptionally helpful in working, I'd be glad to expand
19 that picture to the whole picture.

20
21 CHAIRMAN THOMAS: Okay, thank you. I want
22 to hear from Mr. Neilson. Oh, this is Mr. Neilson, well,
23 maybe I don't.

24
25 MR. NEILSON: Thank you, Mr. Chair,
26 Council, Staff. My name is Ray Neilson, Jr., I'm a member
27 of the Sitka Fish and Game Advisory Committee, subsistence
28 seat and I participate in ANB and Sitka Tribe's customary
29 and traditional committee. Over this past year the ANB
30 caught up with Sitka Tribe and we no longer use the word,
31 subsistence, customary and traditional, it was a wonderful
32 day. I'm sorry I missed yesterday's meeting but I was out
33 harvesting herring for tonight's meal.

34
35 MR. HOPE: Were you successful?

36
37 MR. NEILSON: Did real well. And I really
38 wanted to speak a lot on the deer but I guess we were well
39 represented. But I live a lifestyle of subsistence,
40 customary and traditional, trade, barter, sell, share and
41 give away, that's what I do, other than advocating.

42
43 But I've been shooting deer from a boat for
44 a long time, since my grandpa started taking me out. We
45 started by shooting seal. If you can shoot a little target
46 of a seal, I mean how could you miss a deer?

47
48 Now, a couple of points came up in my mind.
49 We go along the beach, anywhere you see a clam -- where
50 there's cockles, they live near fresh water, so if I come

1 along the beach and my skiff touches where that water's
2 coming out, to me, that's Federal jurisdiction and I look
3 at it that way. Now, if the State wants to arrest me, go
4 right ahead, I'll put up a good fight for it.

5
6 And speaking on sockeye, that's the other
7 important one for us. That bay was robbed, you know, just
8 flat out robbery by the fishing vessel Ciyu (ph) and I was
9 getting ready to go down there to harvest sockeye, those
10 are big beautiful sockeye, it's such a long ways away, you
11 had to really prepare, Red Fish Bay, I had a tow-down, we
12 were going to camp out, can up the first days catch, next
13 morning we'll bring them in fresh and get towed back. Of
14 course, that didn't get to happen. And two weeks ago the
15 trial came up and it lasted for seven days and I was there
16 every minute, I wanted these guys to be hung. They were
17 there and they robbed the bay right in front of other
18 fishermen and unfortunately in front of a camera and that
19 was their downfall. That's admissible evidence in any
20 court of law. And while we were waiting for the verdict,
21 boy, my heart was just pounding, I said, please don't let
22 these guys go. So sentencing is supposed to be right now
23 but it's been postponed until April 13th and then with the
24 tribe, ANB, Native community and since I'm on the advisory
25 committee I have to represent the non-Native community,
26 too, so I guess we're going to go on the with State against
27 fishing vessel Ciyu, but also some of us with a history, we
28 can prove it, we're going to try to sign on a civil suit,
29 too. Now, you're talking about loss of monies, well, that's
30 a very important stream to us. It's within the parameters
31 of Sitka Tribe's customary and traditional area but also
32 it's (In Native) land, my clan, it's a very beautiful
33 place, very beautiful fish. Now, STA had filed for monies
34 to monitor it. Well, I think the reason to monitor is even
35 more so now. The fish -- we won't know the results for
36 another three years.

37
38 There's three waves of fish that come in
39 there. First one comes in goes up. The second one that
40 was wiped out, they're gone. There's a third run that
41 comes in, too, but by then the subsistence season is over,
42 August 15th, it doesn't matter. However, I have done it
43 before, up there doing some other projects, they're so
44 thick, you can catch them by hand. But if I would have
45 went down there it would have cost me a lot of money for
46 nothing. And fortunately those guys got caught, good for
47 them and good for me and good for the community of Sitka.
48 I would just like to see something happen to them and we'll
49 know real soon.

1 And to me, you know, I want the Federal
2 agencies to take a good look at this because it's going to
3 affect us. We'll go down there and we'll have to go in
4 early -- early in the month to harvest the sockeye and two
5 or three years down the road, maybe four, it's not going to
6 be good, and very unhappy. Now, Sitka Tribe, we're getting
7 all set up for to do the monitoring and I would like to be
8 part of that, too, but first of all we need the Feds to
9 come up with the money so we can help monitor that place.

10
11 And I heard you folks talking about non-
12 fish, non-food items, Kianee Commission, well, I've been
13 involved in that since it started at the tribe. Very
14 interesting field, you know, subsistence by-products. And
15 we worked well, we had meetings in Juneau and Phyllis
16 Woolwine worked very well with us and the Kianee Commission
17 is set up real good. We're due to have a conference -- a
18 Southeast Conference next week which has been postponed.

19
20 And for tonight, we're having fried herring
21 by the Sitka Tribe's cooks, and I'm not a cook this time
22 but you can have the herring, courtesy of the F/V KOKU
23 QUEEN, Captain Leonard Skeek. Thank you.

24
25 CHAIRMAN THOMAS: Why aren't you cooking
26 tonight?

27
28 MR. NEILSON: I'm right here. Well, I was
29 out yesterday, too, harvesting.

30
31 CHAIRMAN THOMAS: John.

32
33 MR. LITTLEFIELD: Thank you, Mr. Chair.
34 Ray, I have a question about the sentencing of the vessel
35 is apparently going to take place on April 13th, are any of
36 the organizations that you are affiliated with, are you
37 going to try to make a presentation to the judge on how
38 important this stream was to subsistence users, maybe you
39 or the tribe or some other organization you're on?

40
41 MR. NEILSON: Yeah, thank you, John. Well,
42 during the trial I got to be good friends with the
43 prosecutor, Mr. Patrick Gulifson (ph) and talked to him
44 about my involvement in the case and important to me
45 because of my history of going down there. I told him that
46 we'll wait and see what happens and I told him, well, I'm
47 with the ANB, Sitka Tribe and advisory committee and
48 individual, so somewhere there would be all four of us, but
49 personally, you know, if we could find a way in the law, of
50 course, I want to be part of that civil suit against them.

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1 I mean it's a great damage they've done. If they could
2 arrest us for one fish, those guys took out 50,000 pounds.
3 So that's a lot of sockeye. And I want to be compensated
4 somehow, whether part of the equipment, monies to go back
5 into Sitka Tribe or the monitoring; something needs to be
6 done.

7

8 CHAIRMAN THOMAS: Thank you, Ray. That's
9 another good example of the position that the subsistence
10 community around the state has been trying to convey to
11 managers, that we're as good of law enforcers as anybody
12 because we recognize when a species is in trouble or
13 whether a system is in trouble and we will not tolerate and
14 standby and watch it continue to happen in front of our
15 eyes without doing something. And I'm glad that the
16 record's going to reflect this action and thank you for
17 sharing that with us. Maybe I'll go tonight after all.

18

19 (Laughter)

20

21 MR. HOPE: Mr. Chairman.

22

23 CHAIRMAN THOMAS: Do we have any hope?

24

25 MR. HOPE: Lots of hope, Mr. Chairman.
26 While that would appear to complete STA's report, I'd like
27 to state for the record that Mr. Neilson did stick to his
28 three sentences, there was a lot of commas in there but he
29 did stick to his three sentences.

30

31 (Laughter)

32

33 MR. HOPE: And also I'm really happy to
34 report to you that while the herring did not spawn, we have
35 no control over that, we do have fresh herring for you
36 tonight.

37

38 CHAIRMAN THOMAS: Do they got eggs in them?

39

40 MR. HOPE: Thank you. Pardon me?

41

42 CHAIRMAN THOMAS: Do they got eggs in them?

43

44 MR. NEILSON: Most definitely.

45

46 CHAIRMAN THOMAS: All right.

47

48 MR. HOPE: Thank you very much.

49

50 CHAIRMAN THOMAS: Thank you, STA.

1 MR. CLARK: Mr. Chairman.

2
3 CHAIRMAN THOMAS: Fred.

4
5 MR. CLARK: Mr. Chairman, David Belton from
6 Hoonah Indian Association would like to address the
7 Council.

8
9 MR. BELTON: My name is David Belton and
10 I'm a new hire with the Hoonah Indian Association. Mr.
11 Chairman, I have just been hired in the position of
12 director of cultural and natural resources, where I hope to
13 encourage our individual tribal members to become more
14 involved in the process and to join forces with many strong
15 alliances that I'm seeing are available to them. Today, I
16 bring regards from Mary Rudolph who I spoke with yesterday,
17 she's sorry she couldn't be here.

18
19 I don't have anything formal to report. I
20 wanted to introduce myself to the Council. I want the
21 Council to know that we, of the Hoonah Indian Association,
22 my bosses, the administration, wants to become more active
23 in a process that they see is very important affecting
24 issues that directly involve the people that I represent.
25 And in speaking with individual members through a series
26 that I've had recently, several issues have come to the
27 forefront, several of them I've heard represented here
28 today, so this, more than anything, is a part of my
29 orientation and training and I'm very happy to be here.

30
31 Briefly, the main concerns concerning the
32 subsistence issues that I'm hearing are concerns about
33 increased competition with commercial/charter, sport
34 operations that are coming into the area and it disturbs me
35 when I hear about charter operations that are allowed to
36 bring fishermen into areas that have been closed off to our
37 subsistence users. It's my understanding from the
38 legislation that I've been reading that subsistence has, in
39 the past, always been given a priority and I know that
40 that's an issue with the Council and, we, at the Hoonah
41 Indian Association are also very concerned that subsistence
42 be reestablished as a priority. And in our particular
43 area, our areas of main concern are Port Frederick and
44 Excursion Inlet. And it has to do with the availability of
45 the stocks that are there. They seem to be much decreased
46 from the past. And they would also like to see some
47 additional species added to the subsistence specie
48 recognition list, primarily coho and chinook salmon.

49
50 And other than that, I want the Council to

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1 know that I will be working very hard to come up to speed
2 on the issues that you deal with and I hope to strongly
3 represent the people of the Hoonah Indian Association as I
4 continue to understand more about their desires and their
5 needs. I'm happy to be here today.

6
7 CHAIRMAN THOMAS: Thank you very much.
8 It's good to see you again. One thing I would like for you
9 to take back is you've been able to witness a good
10 demonstration of what a tribe can do when they work
11 together. And so what needs to happen, in order to keep
12 up, there's a bunch of publications out that have the
13 Federal subsistence regulations on fish, Federal
14 subsistence regulations on wildlife and these kinds of
15 things and I think there's copies here available. The
16 people in the community need to review those and see if
17 they're happy with the regulations that mostly affect them.
18 If they're unhappy with it, there's a proposal process and
19 a time line I think listed in those publications on how to
20 go about making it to suit the communities better than what
21 it's doing now. And if it was changed last year that
22 doesn't mean it can't be changed again to make it fit
23 better. So I think that would be -- that would be
24 community involvement and our job is to transport the
25 findings of the community. We just digest them here and
26 take them to the Federal Subsistence Board for their
27 consideration.

28
29 So if you could do that, that'd be
30 wonderful.

31
32 MR. BELTON: I'll take that message back
33 with me. At the current time, this week, I'll preparing
34 proposals that are due at the end of the month. We've held
35 a series of meetings to come up with the issues that will
36 be represented in those proposals. March 1st was my first
37 day and I think the second day I was at work, I attended a
38 meeting sponsored by the Forest Service where they
39 introduced to me, for the first time, the opportunity to
40 make proposals regarding the fresh water regulatory changes
41 that we have still an opportunity to participate in. So I
42 want the Council to know that we are actively putting those
43 proposals together and hopefully in the future you'll see
44 more involvement and participation by the people that are
45 represented by the Hoonah Indian Association.

46
47 CHAIRMAN THOMAS: Good. Appreciate it.
48 Good to see you again.

49
50 MR. BELTON: Thank you.

1 CHAIRMAN THOMAS: Good luck on your job.
2 John.

3
4 MR. LITTLEFIELD: Thank you, Mr. Chair.
5 Welcome David. I'm glad to see you here. I was wondering
6 if you could also do us one additional favor that you could
7 take to the Hoonah Indian Association. You've heard
8 several discussions, I've noticed you've been here on
9 monetary problems, and the way to successfully get money is
10 to have other organizations request that we fully fund
11 whatever it takes to manage subsistence and fully fund the
12 fisheries programs. And if you could do that and they felt
13 like doing that, I would appreciate that.

14
15 And also I'd like to let you know that
16 tomorrow, while it's not on our agenda here, is a day
17 devoted to effective writing of fisheries proposals and you
18 may well want to attend that, that's a public meeting, too.
19 Thank you.

20
21 MR. BELTON: Yes, sir, I am aware of that
22 and that's the other main reason why I'm here is to attend
23 that proposal writing workshop that's being offered
24 tomorrow.

25
26 CHAIRMAN THOMAS: You know, I saw him in
27 Hoonah, he was manning the video camera, I thought sure he
28 was from CNN. And if I knew he was a local yokel I
29 wouldn't have postured so much. Thank you.

30
31 MR. BELTON: Thank you, Mr. Chairman.

32
33 MR. CLARK: Mr. Chairman.

34
35 CHAIRMAN THOMAS: Fred.

36
37 MR. CLARK: Mr. Chairman, the next section
38 on the agency and tribal reports is from the Alaska
39 Department of Fish and Game. Ben VanAlen is up. Hi.

40
41 MR. VanALEN: Hello. My name is Ben
42 VanAlen, I'm with the Alaska Department of Fish and Game.
43 I'm with the Commercial Fisheries Division right now and
44 I'm somewhat been asked to summarize some of the stock
45 assessment programs that we've got. We've heard from a
46 couple people, Bert, talked about some projects in the
47 Ketchikan [sic] area and I'll try to kind of put a little
48 overall look at the whole thing. What we have now is
49 really a whole suite of lake projects that total 15
50 projects, 15 lake systems here in the region that are now

1 to be funded and they're all basically cooperative projects
2 with cooperators being the community associations from
3 Hydaburg, Klawock, Wrangell, Kake, Angoon, Sitka. So we've
4 got seven communities involved with this and then two main
5 agencies, Forest Service and Alaska Department of Fish and
6 Game.

7
8 There's over 200 sockeye producing systems
9 in the island/coastal area, Yakutat through Archipelago
10 here and this doesn't include the main transboundary rivers
11 and I've been involved with salmon stock assessment for a
12 bunch of years here in Southeast and it's sad to see us due
13 to funding limitations not being able to carry on a lot of
14 the stock assessment projects we've had, literally back in
15 the early '80s. Most of those have not continued literally
16 until right now. All of a sudden we now are basically able
17 to do what is, I would consider, the bare minimum as
18 stewards of the resource to monitor, number 1, is what the
19 annual escapements are doing in kind of a representative
20 selection of systems that are important producers of
21 sockeye, in particular, as well as important to the
22 subsistence users in various communities. So we went from,
23 like last year, just doing, we've had ongoing projects at
24 Hugh, Smith, McDonald near Ketchikan, Speel Lake has
25 started up again part of a hatchery monitoring thing, Auke
26 Creek been operated for many years, Chilkoot and Chilkat,
27 we've had weirs on those systems and then Situk. We've
28 also done some work at Falls Lake and Sitko. But of all
29 those, you know, 200 sockeye systems, those are the only
30 ones we've really had any, I would say, reliable stock
31 assessment information for which the monitor trends and
32 escapement, you know, of the stocks, you know, increasing,
33 decreasing, you know, what, if anything, is the status of
34 those runs.

35
36 But now this coming summer we'll have these
37 basically 15 systems on the island systems, mostly off the
38 mainland and I'll just -- let me see, and what I, in just
39 looking at here, Jan Conitz, who's here has compiled a
40 little summary of what we're doing and I'll make these
41 available. We'll have to make more copies. Jan also put
42 together that poster that we seen on the wall out there
43 that kind of gives a geographical reference to where these
44 systems are.

45
46 But basically, we've got a project
47 coordinating with Hydaburg at Hetta Lake, and that's
48 basically the index of sockeye escapement into Hetta Lake
49 and get an estimate of the subsistence harvest there. So
50 it's a combined harvest/monitoring, escapement/monitoring.

1 At Klawock, that's a one really full stock assessment
2 project which goes all the way from complete operation of
3 the weir -- looking at the fact there's limiting production
4 in the lake through the lineology data. We'll be doing
5 some smolt work there. We'll be doing some harvest
6 monitoring there so that's a full package. And then we get
7 to these systems, which I call the trilogy projects. With
8 the community of Wrangell, we'll be doing indexing the
9 escapement to Thoms, Luck and Salmon Bay systems.

10
11 So basically for the same prices we're
12 putting into Klawock for kind of a weir project, we're now
13 able to take that same amount of money, we hope, and index
14 the escapement in three systems. So for Wrangell, that's
15 Thoms, Luck and Salmon Bay. And then with Angoon, we're
16 going to do Kanalku, Hasselborg and Sitko Lake. And then
17 with Kake we'll do Gut Bay, Kook and Haaktaheen. So those
18 projects, we hope to, at the end of this year, have a
19 reliable index of escapement in there. We're not saying
20 that we're going to estimate the total escapement, but
21 we're designing a study or program that so if done in a
22 consistent manner over time, each year, we'll be able to
23 assess the trends and abundance. And in some cases we'll
24 actually be probably able to come pretty close to an
25 estimate of the total escapement.

26
27 And then the other two projects we're doing
28 are Falls Lake and Klag Bay and also Virginia Lake and
29 Salmon Lake. And those ones all involve weirs or camp, you
30 know, project -- stationed there for the summer to estimate
31 escapements going in this system through the summer. We'll
32 be doing some harvest monitoring at some of those, too.
33 And Virginia Lake's a fairly complete project, including an
34 objective to count both the sockeye and the coho and the
35 fishery contributions.

36
37 So that's basically the summary. So here
38 we sit now with all these great plans, next year at this
39 time, we'll hopefully be able to summarize our findings.
40 And where we sit now with really very little reliable
41 estimates of what those stocks are doing, what the status
42 is of those stocks, we'll at least have some information to
43 work from. I would hope that we'll kind of go into this
44 funding of these kinds of projects as funding then for the
45 foreseeable future. Certainly some might not work so well
46 and others we might want to do, you know, certainly we've
47 heard Karta and I support that, Red Fish is another great
48 one. Maybe other work, including hooligan, I don't know,
49 I'm just saying these are other things for us to compete
50 for the available funds. But you know, the real value is

1 in the long term monitoring of escapement, because that's
2 what literally is the most important thing for all users,
3 be it subsistence or others to maintain the habitat and
4 maintain escapements and then the battle's, you know, there
5 for allocating that resource, but at least it will be a
6 healthy resource from which to allocate.

7
8 CHAIRMAN THOMAS: Well, thank you. I have
9 a question that just now came to mind. With all the years
10 of doing this it never occurred to me to ask, how do you
11 folks determine thresholds in terms of health of stock with
12 regards to fish? Maybe I'm not phrasing my question real
13 good, but I don't know how to improve on it. Do you see
14 what I'm saying?

15
16 MR. VanALEN: Yeah. And I think you've got
17 a -- you know, it's the assessment of what is the health of
18 this stock, what is the status of this stock. It's an art,
19 clearly. And I'll just bring up one example then, and it's
20 usually -- it's a template from which we're working from
21 right now, and that being Sitko Lake. On the figure on the
22 wall there, we'll see that the subsistence harvest at Sitko
23 has shown quite a drop here since the mid-80s. And we
24 haven't had any -- didn't have any program in there to
25 index the escapement or survey the escapement. It's a very
26 typical system, sockeye enter the lake and they're kind of
27 not really visible anywhere until they get on the spawning
28 grounds and sometimes that's a little later in the fall,
29 we're actually talking late September, October and what
30 not, and so we don't do much flying then. And frankly, for
31 about four years there, I think we counted no fish one year
32 and 100 one year, 200 in another, from other years where we
33 had counts up to 2,000. So that raised a flag right -- it
34 ought to have. Fortunately, we got together some money
35 with various sources including help with the Forest Service
36 and operated a weir there and it's accompanying marker
37 capture. The estimate that year, I can't remember exactly
38 what -- it was like escapement of about 14,000, and so to
39 me, I went, oh, God, thank goodness, you know, at least,
40 you know, given the size of the lake and what we observe on
41 the spawning areas, you know, that seemed to be an adequate
42 seeding of available habitat. And since that, we have
43 actually gone in and done these exact same indexing studies
44 that we're proposing with these other lakes at Sitko where
45 we go in the spawning ground and then we mark fish on one
46 day, examine them for marks on the next and we fly back, in
47 this case, to Juneau or Sitka, and then we go back out
48 another 10 or 14 days later and do it again, so we're
49 getting an index of the escapement that's in the main
50 spawning area there. And our estimates from that work are

1 ranging between, you know, like 5,000 and 16,000 fish in
2 these last six years.

3
4 So, yeah, the run is variable, but it's at
5 least within a range that I think it'd give -- at least it
6 gives me some comfort that the health of that stock, or the
7 stock is not in crises or declining, let's say. So I feel
8 much -- I'm glad that we have that kind of study and that
9 we're funding similar ones. And, you know, at the same
10 time, you know, I've got questions on, let's say, Kook, you
11 know, we haven't actually been in there as a department, we
12 don't have any program in place to assess the escapement,
13 whether we think it's adequate or not, but now we will this
14 coming summer.

15
16 CHAIRMAN THOMAS: Thank you. John.

17
18 MR. LITTLEFIELD: Thank you, Mr. Chairman.
19 Ben, do you do any studies on the carrying capacity of
20 Sitko Lake, you mentioned the escapement, and the relative
21 health question asked. I think that's somewhat driven by
22 the carrying capacity of that lake, and have you -- in
23 these studies do you make a judgment of what the carrying
24 capacity of the various lake systems are?

25
26 MR. VanALEN: Yes, we will. Basically what
27 we'll be doing at some of these projects where we have full
28 work, that'd be in Klawock and Falls Lake and Salmon Lake
29 and Klag, we're going to be doing a little more work there
30 in those systems looking at water chemistry, zooplankton
31 work, perhaps smolt work in some of these. And that's all
32 additional information needed to estimate, again, the
33 factors limiting the production of sockeye. It is a
34 nutrient-based -- the carrying capacity of the lake.

35
36 There's that whole effort to estimate what
37 the carrying capacity of a lake is. Is, again, an evolving
38 science. There have been a number of models and we
39 actually use three of them at the present time to kind of
40 get a rough feeling of what that carrying capacity is. But
41 I'd have to say, frankly, that the proof is in the pudding,
42 what is the actual observed relationship between how many
43 fish we put in a system, escapement and what the resulting
44 production is. Whether it's production of smolt or adults,
45 I'm just saying, you know, what's that actual relationship.
46 And we are trying, in addition to those four that I
47 mentioned, with the full assessment, we're going to collect
48 as much of that information as we can. We're going to get
49 the four zooplankton samples for the season, we're going to
50 get water chemistry, we're going to get temperature

1 profiles, all this kind of baseline information that we'll
2 need to work from to assess the carrying capacity. But I'd
3 have to say, you know, it's going to be a little bit
4 difficult right now just saying that this lake is under
5 utilized or has available rearing capacity for a lot more
6 fish. I don't know, that will be -- but let's say, here I
7 am 10 years from now, we have had these projects in place
8 and we've been monitoring the escapements and the terminal
9 area abundance, that being the subsistence sport catch in
10 that area and plus the escapement and we can put together
11 an assessment of the spawner recruit relationship, and from
12 that information it's informative as to what the status of
13 your run is. Is it, you know, simply -- simply put, does
14 it look like the more fish you put in there the larger the
15 escapement, the larger the run, that the production is
16 limited by the escapement? Or are you, hopefully, out of
17 that zone, where your production is dependent mostly on
18 natural variations and survival. That we do have
19 escapements, at least, high enough so that it's mostly
20 other factors, non-escapement factors that are limiting
21 production. And of course, the whole value of carcass
22 dried nutrients is certainly there. And I think it's one
23 of our work to put together a historical perspective on,
24 it's -- I guess a historical harvest history, which I
25 translate to as kind of an overharvest history. Where, you
26 know, from the very first fishing that occurred in the
27 region, we were overfishing stocks, individual stocks. You
28 know, this would include Hetta, Auke Creek and all streams
29 in between. And I actually think we're still rebuilding
30 from that overfishing that began in the late 1800s.

31
32 CHAIRMAN THOMAS: Butch.

33
34 MR. LAITI: You mentioned Klawock Lake, you
35 said you had a stock sockeye enhancement program going?

36
37 MR. VanALEN: Well, there is a sockeye
38 enhancement program at Klawock Lake that is not part of our
39 work necessarily, but it's where we'll be looking at the
40 enhancement effort in recent years as well as historically.
41 You know, timber harvest history, fishing history. All
42 those, let me see, factors that could have an impact on the
43 health of the natural runs.

44
45 MR. LAITI: Down there in Hydaburg last
46 fall they were saying historic runs there were 200,000 a
47 year, do you know what they are now?

48
49 MR. VanALEN: Let me see, yeah, right now,
50 we don't know what the actual commercial harvest is, say in

1 the District 4, seine fishery. For example, we could come
2 up with some sort of a reasonable guesstimate of that. But
3 what we've had is the subsistence harvest each of these
4 recent years and it's on the figure outside. I think we'll
5 see that it goes between six and 10,000 and probably the
6 escapement is around that level, six to 10,000. So it's
7 variable but appears to be steady at the present time.

8
9 The historical value that's -- you
10 mentioned, as a point of reference of 200, 250,000 harvest
11 around 1908 or so. It's hard to interpret that exactly.
12 One thing I would say about that is that level of harvest
13 clearly was not sustainable for one. So if we are -- it
14 would be an unrealistic expectation for us to get back up
15 to a harvest of that level.

16
17 MR. LAITI: That was just what the locals
18 were saying down there.

19
20 MR. VanALEN: Right. And that was the
21 harvest reported from the local cannery there. But looking
22 with a good read for all of us, to read those early reports
23 by Bean and Moser and what not, but they talk about within
24 six years of a home cannery -- a cannery put on a home
25 stream like Klawock, within six years the fish that are
26 being canned come from out to -- streams 60 miles away from
27 that cannery. Literally they -- through efforts of
28 barriering and fishing right in the stream, they basically
29 fished into those. Into the escapement dramatically and
30 they had to go to adjacent streams to meet their case pack
31 requirements which gives a total harvest of a probably a
32 lot more than was really produced from that stream.

33
34 MR. LAITI: Okay. I was just wondering
35 because they were saying recently it just declined so I was
36 just wondering why the reason that was, commercial fishing
37 then?

38
39 MR. VanALEN: Actually I don't believe
40 that's the case. I believe when we put all the numbers
41 together, we're going to see that we're actually -- there
42 was a decline, certainly in the '70s, I think, but I think
43 we're slowly building out of that. There's a lot of
44 questions that should be before us, you know, one would be
45 the benefits from the ongoing enhancement effort, might be
46 one that's.....

47
48 MR. LAITI: Thank you.

49
50 CHAIRMAN THOMAS: Floyd.

1 MR. KOOKESH: You mentioned that in Sitko
2 Bay -- Sitko Lake, there, that there's a decline in
3 subsistence harvesting in the '80s. Historically, I've
4 been one of the people that always fished, subsisted there.
5 Do you know why it declined -- there was a decline? I can
6 give you my answer but I'll wait for yours.

7
8 MR. VanALEN: Well, that's a good way to
9 put it. I don't know. All I know is that it's basically,
10 here through the '90s, there's been a drop in reported
11 subsistence catch from Sitko. And I don't know beyond
12 that.

13
14 MR. KOOKESH: Do you believe it would be
15 based on the quota of 10 per permit?

16
17 MR. VanALEN: That sounds like if that has
18 been a reduction in X per permit, that certainly would have
19 a limiting.....

20
21 MR. KOOKESH: Yeah. We tried to be very
22 conservative when we subsisted there but every time we used
23 our seines, we could hold five permits but our seines
24 weren't designed just to catch 50 and no matter what we did
25 we always felt like there was a violation occurring here.
26 I believe a lot of people were affected by that, mentally,
27 because every time we set our seine go, no matter how small
28 it was it was just -- we had -- the numbers were more than
29 just.....

30
31 CHAIRMAN THOMAS: 10,000?

32
33 MR. JOHNSON: More than the -- well, I
34 can't tell you.

35
36 CHAIRMAN THOMAS: Uh-huh, okay.

37
38 MR. KOOKESH: I don't want to -- I'm just
39 curious.

40
41 CHAIRMAN THOMAS: OFFICER:

42
43 MR. KOOKESH: My other question is, the
44 number is 10, is it still going to stay 10 or what were the
45 numbers showing for Sitko Bay, is it showing it going up
46 now or is that 10 ever going to change?

47
48 MR. VanALEN: I really can't answer that
49 right now. I don't know. I guess, you know, the best way
50 to answer questions like that is to work from data. You

1 know, so if we show now -- if we take this information that
2 we now have six years of escapement records to our local
3 area management biologist who actually makes the call or
4 maybe now, in cooperation with the Federal folks, just in
5 this whole overall assessment, you know, they look at that
6 and indications from our in-lake work is that that lake is
7 -- you know, the run is fairly healthy and it could support
8 an increase in subsistence bag limit, whatever, then that
9 would be a wise decision made from good reliable data.

10
11 MR. KOOKESH: And I had one more question.
12 I noticed in your discussion, I don't know if you
13 mentioned, Kanalku, did you?

14
15 MR. VanALEN: Yeah, I should have. We have
16 Kanalku, Hasselborg and Sitko projects being cooperated
17 with Angoon.

18
19 MR. KOOKESH: Have they gotten off the
20 ground yet?

21
22 MR. VanALEN: Yeah, we're just getting them
23 up and running. There's very -- lots of things have been
24 done to prepare for that. There's a lot of work between
25 Angoon and the Department and the Forest Service to get
26 these projects up and running for this summer.

27
28 MR. KOOKESH: My observation for Kanalku,
29 it's an observation, it's not a question, is that, we've
30 seen -- the community has stopped going to Basket Bay
31 because of the crab pots that are all over the area and
32 from the limit of 10 in Sitko and the community has
33 basically put all its money into Kanalku or all its
34 fishing, that's where it makes its effort, and we see the
35 return as being very healthy and hopefully you'll give us
36 that same report back.

37
38 MR. VanALEN: Yeah, I actually think that
39 we'll be generally pleased with escapements in most
40 systems, Kanalku, Hasselborg would be a good example where
41 we don't really have any counts now, we're going to, I
42 think, based on just, you know, some surveys done that I
43 think we'll be in the comfort zone, in other words, that
44 there isn't concern regarding the subsistence effort or the
45 overall exploitation on those stocks.

46
47 CHAIRMAN THOMAS: Does your office have
48 access to historical calculations with regard to estimated
49 populations of different systems with regards to sockeye
50 going back 20 years? Do you know whether that's available?

1 MR. VanALEN: In some systems, yes.

2
3 CHAIRMAN THOMAS: The reason for my
4 question, is because I'm of the impression from being
5 around these systems all of my life, that for many times
6 they were consistently strong and healthy. And I was just
7 trying to get a feel for maybe within the 20 year period of
8 when all this started to change and see if there was
9 anything obvious that contributed to reducing the strength
10 of those. I guess that was my curiosity.

11
12 MR. VanALEN: Uh-huh.

13
14 CHAIRMAN THOMAS: I hope it's not an unfair
15 one.

16
17 MR. VanALEN: I think -- yeah, let me see,
18 there's a couple different sides to it. What we have
19 really is historical high abundances of sockeye in some
20 areas throughout the region. This would belike our
21 transboundary rivers and in Chilkat, you know, our
22 escapements have been around 200,000 or more in recent
23 years, since '93. And so I mean we have that and also
24 actually around this area, Sitka, Necker Bay and Redoubt,
25 not this last year but the year before, you know, had one
26 of the higher escapements, 54,000 or something. And it
27 appears that Redoubt is kind of rebuilding over time.
28 We've got great escapement, it appears at Ford Arm Lake.
29 And so it's a real mix. And like I say, I really think
30 with some of those smaller systems, we're still in the mode
31 of rebuilding overfishing, escapement bottleneck that was
32 generated in the late 1800s.

33
34 CHAIRMAN THOMAS: Okay, anymore questions?
35 John.

36
37 MR. LITTLEFIELD: Thank you, Mr. Chairman.
38 I have another question for Ben, and that's most of these
39 projects that were mentioned were fisheries information
40 monitoring projects that you talked about. And I was
41 wondering if the State had, with the Governor's Fund money
42 had funded any projects of a similar nature to these so we
43 could get some additional monies other than Federal money?

44
45 MR. VANALEN: Let me see, I'm just thinking
46 real quick, with the State Governor's Fund money or they
47 call sustainable salmon funds, have funded now five
48 essentially new or completely funded five coho stock
49 assessment projects including Nocrocena (ph) here, and
50 Unik, Chickamin, and just a second, anyway, and some work

1 on the Taku River. So that's all kind of in the vein here.
2 Here we have, right now, we have four and are developing
3 five indicator stocks, there's over 2,000 coho producing
4 streams in the region and we're indexing the escapement,
5 actually managing for escapement in all those coho streams,
6 via, you know, only five indicator stocks. And now we've
7 got a few more. Now we'll have our first indicator stock
8 on the west coast of Prince of Wales, for instance, even
9 though we all know there's many coho streams there. So
10 that's a real thumb's up for the Federal sustainable salmon
11 funds money.

12
13 We'll also have some money to improve our
14 escapement enumeration and assessment of the status of the
15 Chilkat, Chilkoot sockeye, which is kind of great because
16 the Federal money we were talking about in these projects
17 can't be spent in the Lynn Canal area basically because
18 that's not Federal lands so I'm really encouraged that
19 we'll have improvements in our escapement monitoring and
20 stock assessment projects out there for sockeye.

21
22 Other things that the Governor's Fund money
23 which they announced just a couple of days ago that we'll
24 have is to implement our treaty. It's a Pacific Salmon
25 Treaty, things in the boundary and transboundary rivers.
26 It's actually integral to this work. I mean we all want
27 the same thing, we all want healthy runs. And for us to
28 keep those runs healthy, it takes this international
29 cooperation in the treaty for the transboundary rivers as
30 well as the boundary are. So we are getting some new money
31 to, I'd say, to improve our ability to manage for
32 escapements that are well within, you know, the level that
33 they ought to be. And that's going to include work on the
34 Alsek River and Stikine River.

35
36 CHAIRMAN THOMAS: Butch.

37
38 MR. LAITI: I was just wondering why you
39 mentioned Auke Creek; those are the safest sockeyes in the
40 world.

41
42 MR. VanALEN: Yeah, Auke Creek is a good
43 one, I Just use it as an example. This is a classic
44 example where people, you know, they basically cut some
45 trees down and barriered the system, wiped out the
46 escapement, it only took nine years for that run to
47 basically be decimated. This is the early 1900s. And then
48 right away, through Federal requirement, they built a
49 hatchery right there. In 1910 there's a hatchery at Auke
50 Creek. And no evidence of that ever produced fish, but the

1 theory back then and almost to this day is, you know, man
2 can do better than mother nature in the terms of boosting
3 for survival and so I mean that's the effort there.

4
5 I'd argue that, you know, we're still
6 rebuilding, probably the production at Auke, or that it's
7 current production is much less than historical production,
8 even though, you're right, it hasn't been subjected to any
9 directed fishing for years.

10
11 CHAIRMAN THOMAS: Marilyn.

12
13 MS. WILSON: Mr. Chairman. Ben, up at
14 Chilkoot we have a weir and for many years now our people
15 have been wanting to get rid of it. And there was even a
16 meeting with somebody down at the tribal house saying that
17 we could write to the legislature to change it and get
18 another way of doing fish counts, but we've lost a lot of
19 sockeye. I mean our commercial fishermen can't even fish
20 in that area anymore. And they used to have the commercial
21 fishing right up to the mouth of the river and we never
22 liked that either but we couldn't say anything. And just
23 steadily, we've lost our fish. One time I was on the
24 committee for the -- State Fish and Game Committee, Upper
25 Lynn Canal, and I think I was complaining about the
26 fishermen fishing up to the mouth of the river, and the
27 biologist told me that they didn't want the lake to be
28 overstocked, and you know before anybody lived around there
29 there was a lot of fish. You know, the carrying capacity,
30 like in Hydaburg, lots of fish, enough for the bears and
31 eagles. And I think sometimes we forget about the eagles
32 and the bears plus our customary and traditional, the
33 commercial, the sport fishermen and the tourists, so that
34 area is pretty well compacted. I wanted to ask you, is
35 that true, can we get rid of the weir, through the
36 legislature?

37
38 MR. VanALEN: I'd imagine that'd be a good
39 place to go. I'd encourage us to, again, look at what our
40 objectives are, and that's literally to keep the
41 escapement, protect the escapement, avoid the escapement
42 bottleneck at all costs. And a weir with reliable counts
43 is probably a good way to -- a good tool to use to be able
44 to make sure you're getting that escapement, and that
45 system is classic, in that, it's a couple of days removed
46 from the fishery. It's a short outlet stream there. And
47 so there is some real in-season management information for
48 all the users that would come from that weir, we just need
49 to have an open discussion of the benefits and concerns.
50 Because without the weir, it's maybe just analogous to not

1 doing any of these other studies that we're proposing, as
2 basically we won't have the most important piece of
3 information, that being what the annual escapement is, and
4 at that location, what it is through the run. So unless we
5 know of some alternate way to come up with a way to monitor
6 run strength or passage of fish into the river, you know,
7 I'd be reluctant to encourage the, you know, removal of the
8 weir.

9
10 Like I say what we want to do is not harm
11 fish at that weir and not hold fish back and all those
12 kinds of things, so we want to mirror mother nature as best
13 we can.

14
15 CHAIRMAN THOMAS: Mother nature's sense of
16 a weir is a cedar tree across the creek. Anymore
17 questions? Thank you very much. Okay, we're going to
18 reward all of your patience with a one minute break.

19
20 (Off record)

21
22 (On record)

23
24 CHAIRMAN THOMAS: We're doing good on our
25 agenda and we'll come back to order now. I'm not sure what
26 Fred had in mind for call for proposals to change Federal
27 subsistence regulations, 9e, second time around

28
29 MR. CLARK: Mr. Chairman.

30
31 CHAIRMAN THOMAS: Fred.

32
33 MR. CLARK: Mr. Chairman, Cal Casipit will
34 be handling 9e, which is Tab F.

35
36 CHAIRMAN THOMAS: Okay.

37
38 MR. CASIPIT: Thank you, Mr. Chairman.
39 Again, Tab F is the actual time line and proposal form for
40 changing Federal subsistence fishing regulations. As was
41 mentioned earlier, the due date for these proposal changes
42 into the Office of Subsistence Management is March 30th so
43 we've got about a -- folks have about a week left. The
44 form itself is reproduced in the booklet, you can also
45 download the form from the Office of Subsistence
46 Management's website. It appears there on the bottom of
47 the third page in your orange book -- I'm sorry, salmon
48 colored book.

49
50 That's about all I had to say about the

00201

1 form itself. Again, Terry Suminski in the back of the
2 room, the subsistence fisheries biologist for the Hoonah,
3 Sitka District would be available, I guess in this area to
4 help assist with writing proposals. Any one of our
5 fisheries biologists at the other districts can help people
6 write proposals. I'll be available to help write proposals
7 next week. If folks are interested I have a phone number
8 I'll give you if you want to call me next week and I'm
9 going to have my lap top with me so we can fill out forms
10 right over the phone with you.

11
12 Also I wanted to note, too, thanks Fred,
13 that Fred is coordinating a workshop tomorrow from 9:00
14 o'clock to noon to put on a training session on how to
15 write effective proposals, fill out these forms. With
16 that, I welcome the Council to talk about issues that they
17 would like to see addressed for proposals next year. I'm
18 sure that folks have ideas of what they would like to see
19 in the regulations next year, so we're here to listen, I
20 guess.

21
22 CHAIRMAN THOMAS: Thank you, Cal. Fred.

23
24 MR. CLARK: Mr. Chairman, I'd just like to
25 mention that some of the Council members, because of the
26 way the travel was set up aren't going to be available to
27 attend the work shop tomorrow, but we'll make sure that
28 Staff is keyed in to help you if you want to develop any
29 proposals on your own over the next week. You can just
30 call them up and they'll work with you one on one to
31 develop any additional proposals that you might have in
32 mind.

33
34 CHAIRMAN THOMAS: I have a hunch, when I
35 get back to Ketchikan, the hooligan fishermen are -- when
36 they're not wrapped up in taking care of their gear and
37 everything, we'll probably develop something down there.
38 So I'm going to wait and I'll work cooperatively with them.

39
40 MR. KOOKESH: Mr. Chair.

41
42 CHAIRMAN THOMAS: Floyd.

43
44 MR. KOOKESH: I heard Cal speak about
45 people that were going to be available to assist with
46 proposal writing. Is it possible, aside from teaching this
47 core group proposal writing, to make this opportunity
48 available so that the residents would know who to contact
49 in our communities if they'd like to also do these
50 proposals writing because I know I'm not going to be here

1 for your proposal workshop and it is not my intent to write
2 proposals for everyone. I know he mentioned Suminski here.

3
4 MR. CLARK: Sure. Cal, maybe you can
5 answer this better than I, but all of the Forest Service
6 subsistence staff would be available. So are you talking
7 about doing a public service announcement or something of
8 that sort?

9
10 MR. KOOKESH: (Nods affirmatively)

11
12 MR. CLARK: That could be done if you think
13 it's a good idea to do so.

14
15 MR. KOOKESH: Well, I believe that the
16 opportunity should be made available in the communities. I
17 notice that it's being done very aggressively in more
18 communities than in others.

19
20 MR. CLARK: Right. Mr. Chairman, Floyd.
21 In the past, the way it's been handled is, you know,
22 there's a call for proposal that goes out and people are
23 responsible for filling out the proposals and sending them
24 in. We haven't done any proposal writing workshops in the
25 past so this is kind of a new thing. We're kind of
26 stepping out of that mode so we don't have it down
27 perfectly yet. So I think your suggestion is very, very
28 good and very well taken. But, you know this is kind of
29 the first time that we've thought about doing it in a
30 broader sense instead of just leaving people up to their
31 own resources to do so.

32
33 MS. GARZA: Mr. Chairman.

34
35 CHAIRMAN THOMAS: Dolly.

36
37 MS. GARZA: It might also be good if, when
38 you get back to Juneau, if you could email us the list of
39 who can help in what communities and their phone numbers or
40 emails so that we can get that to people who would want
41 some assistance. Like for me, I know Kassan, very much
42 needs some assistance.

43
44 MR. CASIPIT: Yeah, I can sure do that.
45 For the Kassan people, probably their best bet is to get a
46 hold of Road Kill.

47
48 CHAIRMAN THOMAS: Okay, we got proposals
49 all covered, good job, Other new business. Dolly.

1 MS. GARZA: Mr. Chairman, I actually have
2 two pieces of old business.

3
4 CHAIRMAN THOMAS: Okay.

5
6 MS. GARZA: And one is the Federal
7 subsistence permit. I was on kind of an ad hoc committee
8 that worked pretty much through email to develop a Federal
9 subsistence form and it looks like we have one that is
10 going to be the permit that will be used and Fred is
11 distributing them now.

12
13 Fred, in the last email that I got it was
14 like, okay, this is your last chance to comment, so is this
15 the permit that we will be using now?

16
17 MR. CLARK: I think so.

18
19 MS. GARZA: And so speaking from, I think
20 myself and Dave Johnson were, at least, two of the people
21 from Southeast that reviewed this and I think our intent
22 was to make it as simple as we could. The earlier permits
23 had a lot more information and a lot more junk in it and we
24 worked hard to make it, hopefully, as simple as we could.

25
26 And I know that permits are a thing of
27 contention and my opinion has always been that I would
28 prefer to list myself as a subsistence hunter and fisher
29 than to get listed by sportsman association as one of the
30 15,000 sportsman who do this blah, blah, blah because I
31 have to buy the sport permit license every year. And I
32 think that it's good for the management of subsistence, but
33 it's also good for the State and management, in general, to
34 realize how many subsistence users we have out there so I
35 think these permits will help do that.

36
37 MS. WILSON: I have a question.

38
39 CHAIRMAN THOMAS: Marilyn.

40
41 MS. WILSON: This permit doesn't have
42 anything for handicapped, is that separate? I'll wait
43 until their done.

44
45 MR. KOOKESH: See Cal.

46
47 CHAIRMAN THOMAS: Go see Cal.

48
49 MR. CASIPIT: Thank you, Mr. Chair.
50 Marilyn. Actually for the designated fisher type of deal,

1 that would be right under persons authorized to fish under
2 this permit, it would be right under the permit number.

3
4 MS. WILSON: Okay.

5
6 MR. CASIPIT: So you could list folks who
7 would be authorized to fish for you.

8
9 MS. WILSON: Thank you.

10
11 CHAIRMAN THOMAS: Where would these be
12 available for pick up?

13
14 MR. CASIPIT: Thank you, Mr. Chair, at all
15 Forest Service offices.

16
17 CHAIRMAN THOMAS: Thank you.

18
19 MR. STOKES: Mr. Chairman.

20
21 CHAIRMAN THOMAS: Dick.

22
23 MR. STOKES: Will this require a license
24 along with this permit?

25
26 MR. CASIPIT: No. Under the Federal
27 regulations you're not required to have a State sport
28 fishing license to fish under Federal subsistence
29 regulations. Also Mr. Littlefield asked about the criteria
30 of how you would get this permit, well, first of all you'd
31 have to be a rural resident of the region -- or a rural
32 resident to be able to use one of these permits, obviously.
33 Also for any specific fishery that has a specific C&T, you
34 would have to have the specific C&T as well and that's
35 listed in the regulation book as far as where all the
36 specific C&T's are.

37
38 MR. KOOKESH: Mr. Chair.

39
40 CHAIRMAN THOMAS: Floyd.

41
42 MR. KOOKESH: Mr. Cal Casipit, can you
43 explain to me the section on the one that says, I have
44 received the permit conditions and the failure to comply
45 will make you ineligible?

46
47 MR. CASIPIT: That section about the
48 general permit conditions, we're working on those right now
49 and those are basically the same regulations that appear in
50 our regulation book. We just wanted to be able to staple

1 the same regulations that appear in the Federal regulations
2 so that folks would have those with them with their permits
3 so they would know what they're authorized to take and
4 where and that sort of thing.

5

6 MR. KOOKESH: Is one of the conditions for
7 failing to comply ineligibility?

8

9 MR. CLARK: Mr. Chair.

10

11 CHAIRMAN THOMAS: Fred.

12

13 MR. CLARK: I'm looking at the law
14 enforcement folks who know this better than I do but I
15 think it's part of the existing regulations, that if you
16 don't comply with the reporting requirements that you're
17 ineligible to receive the subsistence permit during the
18 following calendar year. I'm going to have to get help
19 from the folks who know that part of the regulations better
20 than I do.

21

22 MR. MEYERS: Mr. Chairman, I'm Marty Meyers
23 with US Forest Service, Special Agent. Basically, yes, the
24 Federal Register actually says that particular paragraph in
25 the regulation as far as specifically addressing the
26 conditions of the permit and the failing to comply with the
27 reporting requirements. And since I don't have a Federal
28 Register in front of me I can't tell you exactly where that
29 is.

30

31 MR. CLARK: Mr. Chairman.

32

33 CHAIRMAN THOMAS: Fred.

34

35 MR. CLARK: While Marty's looking up that,
36 I would just -- the first part of your question, I think,
37 had to do with the, I have received the permit conditions,
38 and that's what Cal was referring to, we were trying to
39 develop a handout to do that. And in lieu of that, there's
40 always the public regulations booklet and the Federal
41 Register regulations so essentially you'll have three
42 different sources that you can refer to for essentially the
43 same information presently differently.

44

45 MS. PHILLIPS: Mr. Chair.

46

47 CHAIRMAN THOMAS: Patty.

48

49 MS. PHILLIPS: This permit is required for
50 what's listed in the subsistence management regulations

1 book? If you're not specifically listed then you go with
2 the State system, is that how it works? For instance,
3 Haaktaheen, it's not in here. I normally get a personal
4 use permit.

5

6 MR. CASIPIT: In that case, yes, you would
7 have to go get the State permit. This permit is only for
8 the Federal fisheries that's listed in the Register or the
9 public regulation book.

10

11 MS. PHILLIPS: And in order to get
12 Haaktaheen listed, then I would have to submit a proposal
13 to have it listed, what, as a.....

14

15 MR. CASIPIT: You would have -- essentially
16 what you would have to do is put in a proposal requiring a
17 Federal permit.

18

19 MS. PHILLIPS: Requiring a Federal permit,
20 okay. Thank you.

21

22 CHAIRMAN THOMAS: Dolly, then John. John,
23 then Dolly.

24

25 MR. LITTLEFIELD: Mr. Chairman, I saw this
26 a little earlier for the first time and I think I share
27 some of the concerns of Mr. Kookesh in making people
28 ineligible if they fail to turn this back in, that they
29 lose their right to do that for a reporting requirement.
30 And I note that over half of this is reporting
31 requirements. I was hoping to see a Federal subsistence
32 permit that basically consisted of only the top half of
33 this page, the first page. That you had a permit, and that
34 when you had that permit you were allowed to go fishing and
35 that was all you needed and that reporting requirements
36 were another separate item. But I am happy to see a
37 Federal subsistence permit in lieu of the State, but I
38 think it has a little bit more than I'd like to see in it.

39

40 Thank you.

41

42 CHAIRMAN THOMAS: I think so, too. It
43 looks a little burdensome, legal-wise. But it's probably
44 liveable. Barely, but liveable. Next.

45

46 MS. GARZA: Mr. Chairman, I apologize, but
47 I guess I did miss the point on the ineligibility, and if
48 that's our concern, which it is, then I think we should
49 clearly state our objection and ask that it be removed from
50 the permit, understanding that it is in the Federal

1 Register. If it's in the Federal Register then that means
2 it's still being proposed or is it finalized?

3

4 MR. CLARK: Mr. Chairman, Dolly. It is
5 finalized in the Federal Register, but the permit itself
6 hasn't been printed yet.

7

8 MS. GARZA: Okay, then.....

9

10 MR. CLARK: If that's what you mean?

11

12 MS. GARZA:I think we should make our
13 dissatisfaction with that clause known to the Federal
14 Subsistence Board, and at their minimum, that we request
15 that it be changed that failing to comply with the
16 reporting requirements may make me ineligible. The
17 subsistence reporting requirements have never been
18 dogmatically enforced, even by ADF&G, and if we start
19 making them mandatory instantly, we're going to have a lot
20 of people ineligible because they're simply not used to
21 turning these back in. There are communities where they
22 probably are very good at it and there are communities
23 where people are not. There are people who are just plain
24 old forgetful and they just don't submit then and they
25 shouldn't be penalized because they're still using this
26 resource and they still need it.

27

28 CHAIRMAN THOMAS: Thank you. That's true.
29 And it brings out an interesting point. If this was a
30 State document it would have me all over it, now that it's
31 not a State document, it mandates, notice that different.
32 Mr. Mayor.

33

34 MR. KOOKESH: Some of the language that I
35 kind of feel more comfortable with, if I had to use
36 language, is you are required is a lot more nicer and user
37 friendly.

38

39 MR. MEYERS: Mr. Chairman, the specific
40 reason for that being in there is to, you know, granted,
41 you know, everyone is supposed to know the regulation
42 before they go out and do the particular fishery, but it
43 was to help them understand by getting the permit, right up
44 front, so they're aware of the conditions. Now, the
45 conditions are in the Federal Register and what we're
46 trying to do is help provide the education process. I'm
47 not so sure that giving them the warning, which is in a way
48 a reminder, is going to threaten the fact that they may
49 forget to report it. I think the government's flexible
50 enough to understand circumstances about getting these

1 things in. Currently we're trying to help this process
2 because it hasn't been done very well in the past but to
3 help educate and to help notify people that these things
4 need to happen. Because the reason for the reporting is to
5 be able to assess and make good judgment on what's actually
6 being harvested and what's left out there, and for the
7 managers to be able to look at what needs to be done if
8 there's problems.

9
10 It's not so much toward -- it's not against
11 the user as the process is for the information to be
12 gathered for making decisions.

13
14 CHAIRMAN THOMAS: Well, my initial
15 observation on this will be that it's going to be an
16 exercise in futility. Because people -- you know, there's
17 nothing in here that says how flexible the government is in
18 recognizing these kinds of things. All it says here is
19 you're in deep yogurt if you don't do this, see. And so it
20 remains to be seen. I'll leave it there. Lonnie.

21
22 MR. ANDERSON: Thank you, Mr. Chairman.
23 Being from Kake there, we are required to get a State
24 permit to go out and get sockeye and stuff. Does this mean
25 that we'll be able to have this permit and then be abused
26 by the State to get another one, Cal?

27
28 MR. CASIPIT: Thank you, Mr. Chairman.
29 Thank you, Lonnie. My response is similar to what I gave
30 Patty, where we have a specific Federal fishery listed in
31 the regulation book, you would need the Federal permit. If
32 it's not specifically listed in the regulation book you
33 would have to go to the State for a permit. But, no, they
34 wouldn't be duplicative.

35
36 MR. ANDERSON: Thank you.

37
38 MR. CASIPIT: Also, we haven't found the
39 specific part in the Federal Register yet but if you look
40 at the public regulation book on Page 6, it does say you
41 may be ineligible to get a subsistence permit for that
42 activity during the following year so the concerns from Mr.
43 Kookesh probably needs to be incorporated into that
44 statement there. Because we do say, may, in the public
45 regulation book.

46
47 MR. ANDERSON: Now, by reading this I
48 answered part of my own question. Being that there's no
49 Forest Service cabin in Kake, I suppose that we have to get
50 a fax from you or have some in City Hall that people could

00209

1 sign out for?

2

3 CHAIRMAN THOMAS: The post office.

4

5 MR. CASIPIT: Yes, we do have provisions
6 for vendors to distribute permits, and it would be similar
7 to how we've handled the wildlife permits in the past.

8

9 MR. ANDERSON: Okay.

10

11 MR. CASIPIT: So we do want to try to make
12 these so that it's convenient for people to get a permit.
13 So in the case of Kake, I'm sure we can do that.

14

15 MR. ANDERSON: Very good. Thank you, sir.

16

17 CHAIRMAN THOMAS: This whole thing winds up
18 managing the user instead of the resource. Okay, does that
19 take care of our permit?

20

21 MS. GARZA: Mr. Chairman, I just want to
22 make it clear then that that will be changed to; failing to
23 comply with reporting requirements may make -- that will be
24 changed?

25

26 CHAIRMAN THOMAS: If it's going to be
27 consistent with the regs?

28

29 MR. CLARK: Yeah, if it -- we haven't found
30 it in the Federal Register.....

31

32 MR. MEYERS: I got it.

33

34 MR. CLARK: Okay, here it is now.

35

36 MR. MEYERS: Mary Meyers, US Forest
37 Service. It's in the Federal Register, published February
38 13th, 2001 on Page 10151, the center column, Roman Numeral
39 V. If the return of the catch information necessary for
40 management and conservation purposes required by a fishing
41 permit and you fail to comply with reporting requirements,
42 you are ineligible to receive a subsistence permit for that
43 activity during the following calendar year unless you
44 demonstrate a failure to report was due to loss in the
45 mail, accident, sickness or other unavoidable circumstance.
46 So here it says, is required.

47

48 MS. GARZA: But because of those list of
49 unless otherwise, then it should be; you may be ineligible.

50

1 MR. MEYERS: That's correct.

2
3 MR. CLARK: So I think the short answer is,
4 yes, we can change that.

5
6 CHAIRMAN THOMAS: Okay, do you have another
7 one Dolly?

8
9 MS. GARZA: Yes, I have two more. One is,
10 I was hoping to get an update on halibut.

11
12 CHAIRMAN THOMAS: Does anybody have that
13 information? John.

14
15 MR. LITTLEFIELD: Mr. Chairman, I guess I
16 could talk a little bit about that. I did talk to National
17 Marine Fisheries Service the other day and asked them for
18 an update prior to the meeting but the lady who does that,
19 Jane DeCosmo, was out of the office and she did not send me
20 an update as of last night. Where the halibut final rules,
21 that was passed by the North Pacific Fisheries Management
22 Council, sits right now, is it is under regulatory review
23 by the National Marine Fisheries Service. It has not been
24 forwarded to the Secretary of Commerce at this time and it
25 will not be until they finish that review. And other than
26 that, I don't know exactly where that sits. I wanted to
27 get that information for the Council but I don't have that,
28 and that's where it sits. There may be someone else that
29 has other information. There is a handout on the Sitka
30 Sound local area management plan that is going to be
31 considered by the State of Alaska under the Board of
32 Fisheries in Sitka on the 1st and 2nd that has to deal with
33 the halibut subsistence issue and where it relates to.

34
35 So other than that I don't have any current
36 information. I might ask if the State representative, Tom
37 Brookover could add anything to that, but that's all I have
38 at this time.

39
40 CHAIRMAN THOMAS: Tom.

41
42 MR. BROOKOVER: Thank you, Mr. Chairman.
43 My name is Tom Brookover. I work for the Department of
44 Fish and Game here in Sitka for Sportfish Division. I
45 don't have a whole lot to add to Mr. Littlefield's
46 comments. I do know that when the Council adopted the
47 regulations in October that they had asked the Board of
48 Fisheries to review their proposed suite of regulations and
49 made recommendations back to the Council for any more
50 localized recommendations that they may have. And so the

1 Board has set up public hearings in Sitka and I believe,
2 Valdez, Cordova and Kodiak to take public comment. Sitka's
3 meeting will be on April 1st and 2nd. I don't have the
4 dates for the other meetings, but I believe they follow the
5 Sitka meeting. And the Council -- or excuse me, the Board
6 Committee will be the same three people, as I understand
7 it, at each location. They'll take public comments at each
8 location and then they are scheduled to meet as a Board in
9 May to review the public testimony heard at the hearings
10 and I believe they're also planning to make recommendations
11 back to the Council in June for the subsistence
12 regulations. And that's the schedule as I know it.

13

14 But like Mr. Littlefield said, they are
15 also interested in testimony on local area management
16 plans. The only one that's put into effect at this point,
17 of course, is the Sitka local area management plan. But
18 they're interested in soliciting for interest in other
19 areas that may want to do the same thing.

20

21 CHAIRMAN THOMAS: Dolly.

22

23 MS. GARZA: The other issue that I'm
24 bringing to the Council, Mr. Chairman, is the issue of
25 plant and medicinal uses. I know that the Forest Service
26 has developed an alternative plant produce policy or I
27 forget what it's called, but a group had pulled it together
28 and Phyllis Woolwine had presented that to us. I would
29 like to hear at some meeting, perhaps the fall meeting, how
30 that policy is working and whether or not people are using
31 that process.

32

33 The other concern that I have with plants
34 is that I'm also on the Alaska Science and Technology
35 Foundation Board and when I was at my last board meeting, I
36 was invited to an investment breakfast where a woman
37 presented on a company in Alaska that is attempting to
38 patent every single molecule of every single plant in
39 Alaska, all 3,500 species. So that in the event one of
40 those plants has medicinal values they will have the patent
41 to be the sole person to develop it as a commercial
42 product. I personally have great objection to that, and I
43 think that this Council, if they support my objection
44 should voice their opinion.

45

46 Because it was at an investment breakfast,
47 this company is looking for financial support and it would
48 be my hope that if there were enough objection voiced, that
49 financial support might be more difficult to find. This
50 company has several million to begin with and they were

1 looking for much more millions to continue this project.
2 But it really scared me because they said that they have
3 been working with Natives but I couldn't figure out who
4 they were working with. They said that they're trying to
5 take into account elder considerations, but once you have a
6 patent on a product, it really doesn't matter what anybody
7 thinks about it, you can sell that patent to whoever wants
8 to buy it.

9
10 MR. STOKES: Mr. Chairman.

11
12 CHAIRMAN THOMAS: Richard.

13
14 MR. STOKES: I believe I was invited to one
15 of those meetings also when I was down in Yakima and I
16 declined to go because they wanted to know what I knew
17 about the Native plants. And that was in December so
18 they're actively out there looking.

19
20 CHAIRMAN THOMAS: What's the wish of the
21 Council?

22
23 MR. STOKES: I move that we support Dolly's
24 request.

25
26 MR. LITTLEFIELD: Second.

27
28 CHAIRMAN THOMAS: It's been moved and
29 seconded. Discussion.

30
31 CHAIRMAN THOMAS: All those in favor say
32 aye.

33
34 IN UNISON: Aye.

35
36 CHAIRMAN THOMAS: Those opposed same sign.

37
38 (No opposing votes)

39
40 CHAIRMAN THOMAS: Motion carries.

41
42 MS. GARZA: So Mr. Chairman, what you
43 supported was that the Southeast Regional Advisory Council
44 objects to the patenting of Alaska plant molecules that
45 have been traditionally used by Alaska Natives.

46
47 CHAIRMAN THOMAS: Okay.

48
49 MS. GARZA: Okay. That's it for me.

1 CHAIRMAN THOMAS: That's all. That was old
2 business, how about some new business? John.

3
4 MR. LITTLEFIELD: Don't know what kind of
5 business this is but it may be new. I would like to have
6 SERAC take a position on the State of Alaska Proposal 190,
7 and I don't know if everyone is familiar with 190, but 190
8 is the concurrent but 180 degree opposite component of
9 Proposal 4 that we took care of on the shooting deer from a
10 boat. One of the reasons, as I understand it, from Dan
11 LaPlant, that the Board of Game was unwilling to take a
12 position on this at their March meeting, was that they did
13 not have significant input from the public and we are the
14 public and we represent the residents of Southeast. And I
15 think it's good for us to go on record opposing 190,
16 Proposal 190.

17
18 Proposal 190, if anybody has a Board of
19 Game Book, they stopped at 189. 190 was put in at the
20 request of the Office of Subsistence Management, and maybe
21 Dan LaPlant would be the one to bring the board up to speed
22 on this of what that proposal was and what we did in
23 Anchorage.

24
25 CHAIRMAN THOMAS: Okay. Dan.

26
27 MR. LaPLANT: Mr. Chairman, Dan LaPlant,
28 from the Office of Subsistence Management. I presented
29 Proposal 190 to the Board of Game earlier this month, which
30 was requesting them to change the State regulation to allow
31 shooting from a boat in Unit 4, and they listened to the
32 request but because the request was submitted to them, it
33 was a change of agenda request initially, was submitted to
34 them beyond their time limit for a change of agenda request
35 they decided not to take any action on it. Board member
36 Gusendorf made the motion that they deal with that issue at
37 the earliest possible moment -- earliest possible time and
38 that's when they decided to bring it up again for
39 discussion at their fall meeting in Kotzebue.

40
41 But they told me that one of the reasons
42 they couldn't make a condition on it in the March meeting
43 was it wasn't out for public review and they specially --
44 because they didn't have a recommendation from the Regional
45 Advisory Committee, the Sitka Advisory Committee, so that
46 was a main piece of information they wanted.

47
48 Thank you.

49
50 CHAIRMAN THOMAS: Thank you. John.

1 MR. LITTLEFIELD: If we took action on this
2 in October, would that be an adequate time line to get that
3 information to the Board of Game or would that be too late
4 to get in their book?

5
6 MR. LaPLANT: I believe their deadline is
7 45 days prior to their meeting and I think their meeting is
8 early November, so it would be depending on when your
9 meeting is in October, it might be cutting it close.

10
11 CHAIRMAN THOMAS: John.

12
13 MR. LITTLEFIELD: Mr. Chairman, I would
14 like to move that Southeast Alaska Regional Advisory
15 Committee go on record to opposing the State Board of Game
16 Proposal 190.

17
18 MR. ANDERSON: Mr. Chairman, I second that.

19
20 CHAIRMAN THOMAS: It's been moved and
21 seconded. Discussion.

22
23 MS. GARZA: Question.

24
25 CHAIRMAN THOMAS: Question's been called.
26 All those in favor say aye.

27
28 IN UNISON: Aye.

29
30 CHAIRMAN THOMAS: All those opposed say no.

31
32 (No opposing votes)

33
34 CHAIRMAN THOMAS: Okay. Yes.

35
36 MR. LaPLANT: It was my understanding that
37 you wanted to support Proposal 190, Proposal 190 was
38 requesting that the State change their regulation to allow
39 shooting from a boat, so I would suggest that you support
40 190.

41
42 MR. LITTLEFIELD: We never have negative
43 motions so it was out of order, support 190.

44
45 MR. ANDERSON: The second concurs with the
46 maker.

47
48 MS. GARZA: All the ayes concur.

49
50 MS. WILSON: Yeah, I concur, too.

1 MR. KOOKESH: Yeah.

2
3 (Council nods affirmatively)

4
5 CHAIRMAN THOMAS: Well, us no's don't
6 concur.

7
8 (Laughter)

9
10 CHAIRMAN THOMAS: Okay, if I could shoot a
11 boat from a deer, I guess we could do that.

12
13 MR. CLARK: Mr. Chairman.

14
15 CHAIRMAN THOMAS: Fred.

16
17 MR. CLARK: There was a request for
18 additional copies of an article that Ben VanAlen had so we
19 had additional copies run for all the Council members and
20 for attending folks.

21
22 CHAIRMAN THOMAS: Appreciate that. Thank
23 you very much.

24
25 MR. CLARK: Are we onto Tab G, Mr.
26 Chairman, Number 10?

27
28 CHAIRMAN THOMAS: Yeah.

29
30 MR. CLARK: Yeah, in your salmon notebooks,
31 the very last white page behind Tab G there's a calendar.
32 That's the Regional Advisory Council meeting window, it
33 extends from September 9th through October 20th. At the
34 meeting in Hydaburg, the Council tentatively set Yakutat as
35 the location for their next meeting and I believe the dates
36 were October 9th, 10th and 11th. So it's the Council's
37 wishes as to where they would like to -- when and where. I
38 would like to point out that the Southcentral Council, who
39 we still share a lot of Staff and information with, so we
40 don't want to overlap with them, their meeting is scheduled
41 for October 1st and October 2nd.

42
43 So with that, I leave it open to the
44 Council for discussion.

45
46 MS. GARZA: Mr. Chairman.

47
48 CHAIRMAN THOMAS: Dolly.

49
50 MS. GARZA: We were invited by Yakutat ANB

00216

1 as well as the Mayor to Yakutat and we graciously accepted
2 that information so I don't think that we would change
3 that. But in terms of the date, it seemed like there was
4 some discussion on whether we would meet the beginning of
5 that week or the beginning of the next week because of
6 moose hunting, so I would ask Bert if he would give us a
7 suggestion.

8

9 MR. ADAMS: Thank you, Dolly. Mr.
10 Chairman, the subsistence moose hunt opens on October 8th
11 and will go through all that week. So starting the 15th,
12 it's open for everyone. So I just wanted to, you know,
13 make sure that everyone understood that. I was planning to
14 go out and catch a moose, you know, on the 8th, but, you
15 know, if I do get one then I'll be okay, if I don't, I'll
16 just send eight of my children out and 17 of my
17 grandchildren and I can be assured of one so don't worry
18 about that.

19

20 MS. GARZA: Mr. Chairman.

21

22 CHAIRMAN THOMAS: We're not showcasing
23 family, here.

24

25 MS. GARZA: Mr. Chairman.

26

27 CHAIRMAN THOMAS: Dolly, are you going to
28 beat that one?

29

30 MS. GARZA: Yeah, I'm going to beat that
31 one. I guess I would propose that we change the meeting
32 dates from the 8, 9th, 10th to the next week, 15 and 16th,
33 because although Bert has many children and grandchildren,
34 if we have it the same day that subsistence moose hunting
35 opens then we're not going to have as much participation,
36 it's just that simple.

37

38 MS. PHILLIPS: Second.

39

40 MS. GARZA: So I'm moving for October 15,
41 16 and 17.

42

43 CHAIRMAN THOMAS: Okay, Fred, you look like
44 you have an urgent comment there.

45

46 MR. CLARK: Unless Floyd wants to get his
47 comment in first.

48

49 MR. KOOKESH: Yes. Can I ask Nels when
50 they had scheduled the Common Grounds in October?

1 MR. LAWSON: Thank you, Mr. Chairman. Nels
2 Lawson, employed by the US Forest Service in Sitka. The
3 agreed upon date between the Forest Service and the Angoon
4 community is the week of October 1st, a couple days within
5 that week. The exact dates to be determined by both the
6 Forest Service and the Angoon Community Association. Thank
7 you.

8
9 MR. KOOKESH: AFN.

10
11 MS. GARZA: I know but the beginning of
12 that week is elders and youth. And I don't think any of us
13 fit into the youth category and some of you elders just
14 might have to miss it.

15
16 MR. CLARK: Mr. Chairman.

17
18 CHAIRMAN THOMAS: Fred.

19
20 (Laughter)

21
22 MR. CLARK: So AFN is on the week of
23 October 15th -- on the 18th. I would just point out that
24 Staff has, from Anchorage, who do travel and things like
25 that have repeatedly asked us to try to schedule meetings
26 in the middle of the week if we can, which would be the
27 16th, 17th and 18th, but then that would create a conflict
28 with AFN. Having it on the 15th, 16th and 17th requires a
29 lot of Sunday travel for people.

30
31 CHAIRMAN THOMAS: A lot of what?

32
33 MR. CLARK: Travel on Sunday.

34
35 CHAIRMAN THOMAS: So?

36
37 MR. CLARK: Just a point of information.

38
39 CHAIRMAN THOMAS: Sunday's a good day to
40 travel, as is Saturday. Well, my anniversary's on the 3rd
41 and my birthday's on the 17th, so what are we going to do.

42
43 MR. KOOKESH: 8th, 9th and 10th.

44
45 MR. LITTLEFIELD: 4th, 11th and 18th.

46
47 CHAIRMAN THOMAS: Okay, 4th, 11th and 18th
48 in Yakutat, Skagway and Haines. Okay, come on.

49
50 MR. ANDERSON: How about early or middle of

00218

1 September.

2

3 MS. PHILLIPS: Then there's fishing

4 problems

5

6 MR. ANDERSON: Fishing.

7

8 CHAIRMAN THOMAS: What time do the charter

9 boats quit?

10

11 MS. GARZA: Mr. Chairman.

12

13 CHAIRMAN THOMAS: Dolly.

14

15 MS. GARZA: I think that the Southeast
16 Regional Advisory Council has been very accommodating, I
17 hope we have been, to Staff and if we have one exception
18 because of conflicts with AFN, we'll just have to hope that
19 the Staff can live with it.

20

21 MR. CLARK: Mr. Chairman.

22

23 CHAIRMAN THOMAS: Fred.

24

25 MR. CLARK: Other people in the audience
26 say that AFN is the week after October 15th, so maybe that
27 needs to be verified in some fashion.

28

29 CHAIRMAN THOMAS: John.

30

31 MR. LITTLEFIELD: Mr. Chairman, no one has
32 discussed September at all, and I think for me, personally,
33 I think the September dates, and I'm not speaking for any
34 of them, would be more important for me. There is a
35 potlatch on every one of those Fridays or Saturdays in
36 Southeast that I know of that are on this calendar except
37 in September so I know there are some people that would go
38 to that, personally I'd rather have it in September I
39 guess.

40

41 CHAIRMAN THOMAS: What's wrong with
42 September 26th and 27th?

43

44 MR. LITTLEFIELD: Nothing with me.

45

46 CHAIRMAN THOMAS: Bert.

47

48 MR. ADAMS: I'll be fishing.

49

50 CHAIRMAN THOMAS: When do you get through

00219

1 fishing?

2

3 MR. ADAMS: The 30th, or the end of
4 September, yeah.

5

6 MS. PHILLIPS: Mr. Chair, our last trip to
7 Yakutat, you know, we had a number of fishermen stop short
8 their fishing and tell us that, you know, they gave up
9 earning an income to come in and testify, including our
10 Council member from Yakutat and I don't want them losing
11 their income time. So September, to me, is not a good
12 time.

13

14 CHAIRMAN THOMAS: Okay.

15

16 MR. CLARK: Mr. Chairman.

17

18 CHAIRMAN THOMAS: Fred.

19

20 MR. CLARK: Another thing I'd like to bring
21 up is, especially after hearing some of the presentations
22 today about fisheries information projects, I think it
23 would be really good for the Council to hear more about,
24 you know, what has happened on those projects and get it
25 into a regular schedule to present to the Council at each
26 Council meeting. So you know, that's another thing that
27 takes time. I would suggest that the Council have, at
28 least, a three day meeting in Yakutat so you could have
29 some time to meet for the decision-making process, to again
30 work on -- kind of working together as a group in whatever
31 format you decide to do that and have time available to get
32 information on the types of things that you've been
33 deliberating on through your actions. So my recommendation
34 would be a three day meeting.

35

36 CHAIRMAN THOMAS: Dolly.

37

38 MS. GARZA: And that was what Patricia and
39 I moved and seconded, was 15, 16 and 17. None of those
40 dates are on a Friday, so would that be okay, so we can
41 make sure we have fishing for our fishermen, John and not
42 conflict with potlatches?

43

44 MR. LITTLEFIELD: (Nods affirmatively)

45

46 MS. GARZA: Bert.

47

48 MR. ADAMS: Yeah, I think those are good
49 dates, and, you know, I don't care how long you stay there.
50 I mean you can stay there all winter if you want, but yeah

00220

1 those are dates that will be pretty good for us.

2

3 Thank you.

4

5 MS. GARZA: Call for the question.....

6

7 CHAIRMAN THOMAS: Wait a minute.....

8

9 MS. GARZA:to meet in.....

10

11 CHAIRMAN THOMAS:wait a minute.

12

13 MS. GARZA:Yakutat.....

14

15 CHAIRMAN THOMAS: Wait a minute.

16

17 MS. GARZA:October 15, 16 and 17.

18

19 CHAIRMAN THOMAS: I reminded you that the
20 17th was my birthday.

21

22 MR. ADAMS: We'll celebrate.

23

24 CHAIRMAN THOMAS: I want to know what
25 community activity is going to transpire in my honor on the
26 17th in Yakutat.

27

28 MR. ADAMS: Mr. Chairman, don't worry about
29 it.

30

31 (Laughter)

32

33 CHAIRMAN THOMAS: Nothing in other words,

34 uh?

35

36 MR. ADAMS: On the contrary, we'll do
37 something.

38

39 CHAIRMAN THOMAS: 15, 16, 17, October. Was
40 there a motion?

41

42 MS. PHILLIPS: Yeah.

43

44 CHAIRMAN THOMAS: Was there a second?

45

46 MS. PHILLIPS: Yeah.

47

48 CHAIRMAN THOMAS: Was there a question?

49

50 MR. ADAMS: Question.

1 CHAIRMAN THOMAS: All in favor say aye.

2
3 IN UNISON: Aye.

4
5 CHAIRMAN THOMAS: All opposed.

6
7 (No opposing votes)

8
9 CHAIRMAN THOMAS: Okay. Okay, now is one
10 of the better times of our agenda and the reason being is
11 it gives us all an opportunity to participate. And whether
12 you're just -- I shouldn't say, just, whether you're a
13 member of the public, not necessarily affiliated with any
14 agency and you've been attending the meeting, you're
15 welcome to offer your views or comments at this time and
16 we'll go around the room and give everybody the opportunity
17 if they would like to take advantage of that to comment.
18 We're starting with public, anybody from public like to come
19 forward? Dave.

20
21 MR. BEDFORD: David Bedford. Mr. Chairman,
22 my name is David Bedford. I'm the representative of
23 Southeast Alaska Seiners. I want to thank the Council and
24 you, Mr. Chairman, for an opportunity to speak with you for
25 a moment. It's been, again, a very interesting thing for
26 me to sit back and very much a learning experience to
27 listen to what you folks have to say and the other people
28 who have been in here.

29
30 I did want to make one comment on something
31 that was raised by Mr. Littlefield and also by some of the
32 folks who spoke to you, raised the issue of the Ciyu, which
33 violated Fish and Game regulations, harvested fish down in
34 Red Fish Bay to the detriment of the resource, to the
35 detriment of subsistence users, to the detriment of all
36 fishermen here in the state. I want you to know that the
37 folks at Southeast Alaska Seiners were very concerned about
38 that. That, in our last newsletter we had a letter that
39 was put into the newsletter by 25 seiners who objected to
40 this kind of conduct. I also want to note that the guy who
41 performed that violation was turned in by two rural
42 seiners, two guys from Petersburg who called up the Fish
43 and Game enforcement people and turned those guys in,
44 delivered the photographs to the Fish and Wildlife
45 protection officers so that they could make that case.

46
47 This is something that really is totally
48 unacceptable to all of us, to all Alaskans and it's the
49 kind of thing that we're concerned about. We have two
50 meetings, some of the guys on the board, myself, two

1 meetings with enforcement people over the past three or
2 four months to ask, what kind of things can we do when
3 these sorts of really unacceptable circumstances come up.
4 The letter that was in our newsletter said two things, two
5 principle things. The first one is, don't violate the law.
6 The law is there for very good reasons. The second thing
7 is if you see somebody violating the law, report it.

8
9 Okay, in any event, I think you know that
10 we very much have a community of interest on this kind of
11 thing. And I would suggest to you as you go forward in
12 establishing the Federal Subsistence Management Program,
13 clearly one element of this will have to be enforcement,
14 and I would hope that you folks would be looking towards
15 and the Federal agencies would be looking towards
16 opportunities to cooperate with the State so that we can
17 get the maximum effectiveness out of the enforcement
18 abilities of both the Federal and the State agencies.

19
20 In any event, that's all, Mr. Chairman.

21
22 CHAIRMAN THOMAS: Thank you, Dave. And on
23 behalf of the Council, I want to thank the Seiners
24 Association. I think they're the only ones that publicly
25 come out and express support and endorse the actions that
26 we take in our efforts as a subsistence advisory council
27 and we appreciate that, that's sincerely. Thank you very
28 much. Any other public.

29
30 MS. GARZA: Mr. Chairman.

31
32 CHAIRMAN THOMAS: Dolly.

33
34 MS. GARZA: I appreciate your persistence
35 at coming to our meetings. I think the first one was at
36 Angoon. And when we had talked aside you had said you
37 would like to know how we could -- how you could help and
38 one way might be to lend your support for increase funding
39 for the fishery monitoring projects. I know you've been
40 here, at least, today and so you've heard that we simply do
41 not have enough money for the number of projects that are
42 being proposed and if we had Southeast Seiners Association
43 also lending their support for an increase to Forest
44 Service for these projects, then that may help us get a
45 little bit closer to meeting that goal. Thank you.

46
47 MR. BEDFORD: If I could just mention one
48 other thing that dovetails in with that. I know that one
49 of the areas, it's a matter of concern for a lot of folks
50 along Southeast Alaska has been brought up here today, is

1 the condition of the sockeye stock down at Klawock. I know
2 that -- I believe that Mr. Laiti brought that up earlier,
3 for your information in the materials that were passed out
4 at Hydaburg, there was a proposal about Klawock there. If
5 you check that out, you'll see the level of seine harvest,
6 as best they can estimate that, was about 350 fish this
7 past year out of that particular stock. But I do want to
8 say this, you know, I'm gently related with this Governor's
9 Fund that was also brought up earlier. There's an
10 increment of money in the Governor's Fund for habitat
11 restoration work. I want you to be aware of the fact that
12 there are various groups and constituencies that are
13 beginning to look at that as something that they would like
14 to put towards particular uses. It's my hope that -- I
15 believe there's a Klawock watershed restoration group, it's
16 my hope that they're going to be forthcoming, at least, by
17 this fall with some kind of an idea of what sorts of
18 programs could be pursued down there, because I believe
19 that there will be people on the stakeholder's panel, at
20 least, who will be interested in hearing about that.

21
22 CHAIRMAN THOMAS: We really appreciate you
23 being around. Thank you very much.

24
25 MR. BEDFORD: Thank you.

26
27 CHAIRMAN THOMAS: Ray.

28
29 MR. NEILSON: Thank you, Mr. Chairman,
30 Council. In closing, after I got to speak earlier, other
31 things came up and I was saving my comments on that.

32
33 Talking about halibut. At the Sitka Fish
34 and Game Advisory Committee we're going to discuss halibut
35 subsistence on the way it's all laid out. Our past
36 Chairman, who spearheaded the lamp (ph) project has some
37 concerns about why did we push for the lamp and then have
38 members of the community push for the halibut subsistence.
39 Well, the lamp was set up for the people of Sitka, the
40 common people, Native and non-Native. That was a real
41 struggle there. And then the halibut subsistence, the
42 skates and hooks, well, all the North Pacific Fisheries
43 Management Council did there was recognize ongoing factors
44 by the people, mainly the Native people of Sitka. And the
45 Advisory Committee, we're meeting and we're going to
46 discuss the halibut subsistence, the way it's laid out and
47 the Board of Fish. And I always reiterate that I have no
48 problem with the lamp, that's their -- it's for the people
49 of Sitka. But the halibut subsistence, we're trying to
50 push for more that was laid on the table. Most of us we

1 will not set a skate in Sitka Sound, it's totally
2 ridiculous. We leave that for the people that cannot go
3 far. We go down to Necker Bay, Whale Bay or outside the
4 lamp area and there we'll set our halibut skates, we have
5 no problem with that. But there are those in the community
6 of Sitka who do not have the ways or means to leave Sitka
7 Sound or Salisbury. If they want to set a skate, fine, we
8 have no problem with that.

9
10 And then some of the people on the Advisory
11 Committee, they say, well, they're really worried, we say,
12 how much are you guys going to do this, are you going to do
13 this every day, no, how many people are going to want to go
14 out and catch 20 halibut a day? How many people want more
15 than two? We're not charter people, we're providing for
16 our family, our relatives, our clan, ANB, Sitka Tribe, many
17 of us provide for -- we provide for others.

18
19 And then you were talking about medicinal
20 plants. Well, you UAF, I forget that girl's name, she came
21 down here before.

22
23 CHAIRMAN THOMAS: Phyllis Woolwine.

24
25 MR. NEILSON: No, she put out a book.....

26
27 CHAIRMAN THOMAS: Rachel Welch.

28
29 MR. NEILSON:from UAF. What?

30
31 CHAIRMAN THOMAS: No, never mind.

32
33 MR. NEILSON: Anyway, she put out a book
34 and she came down here and she tried to get information
35 from the Tlingets, well, we would not give it to her.
36 Before I started, I told her, you will not get much from
37 us. Well, the book came out and it's pretty thick, there's
38 a lot of information in there, not just from the Southeast
39 but all the other indigenous areas and the indigenous
40 people, the names, the plants are all the same, but the
41 uses -- they're pretty much the same, too. But I bought
42 the first one and I looked at it and I said, yep, just like
43 I said, no information from Tlingets except for Yakutat,
44 they opened up their books. Many of our elders take that
45 information to the grave because they don't want it to go
46 to pharmaceutical companies and many of us are alive today,
47 even the younger ones, we do not want that to happen. It's
48 very important in our Sitka commission.

49
50 And then about a month ago I received a

1 piece of mail from the Alaska Department of Fish and Game.
2 Last year I did not purchase a sport license. Well, I'm
3 not a sportsman. I do not participate in derby fishing or
4 if it had to pertain to animals, no buck derby
5 participation. To me a sport license is another form of
6 State ID. I do not go out and catch fish by rod and reel
7 because of my personal potential conflict with charter
8 clients, the boats and captains, I'm very afraid of what I
9 might do, so I don't go out there. But since I process,
10 put up and smoke product, I get more fish than I can deal
11 with. I do all the steps by myself, from the time I get
12 the fish until it's done, whether I freeze it or can it.
13 But it's very important to me.

14
15 I just can't wait for the day where the
16 Federal government takes over control of marine waters,
17 navigable waters, I don't want a State ID that says I'm a
18 fishermen, sport fishermen. I'm looking forward to the day
19 where the Federal government, the Federal agencies will
20 issue me a permit that says I'm an indigenous harvester.

21
22 Thank you.

23
24 CHAIRMAN THOMAS: Thank you, Ray. Other
25 public comments? Nels.

26
27 MR. LAWSON: Thank you, Mr. Chairman. I
28 want to commend yourself and the Council for the fine work
29 you've done the last couple of days, dealing with some very
30 weighty issues but dealing with them in a sensible manner,
31 taking public comment, listening to the public that has
32 come before you to speak on the issues. I want to thank
33 you for that.

34
35 We also hope that you've enjoyed your stay
36 in our community. We continue to welcome your presence
37 among us.

38
39 I would also like to thank the council for
40 honoring Herman Kitka, our elder, our statesman, and the
41 leader of the Sitka Kaagwantan Clan. And I specifically
42 want to thank Dolly for your gift to my Uncle. (In Native)

43
44 Thank you.

45
46 CHAIRMAN THOMAS: No, we didn't honor
47 Herman, he honored us. Thank you, Nels. And thank you,
48 again, Dolly. Any other public comments? Anybody from
49 agencies? Agency comments. Ida.

1 MS. HILDEBRAND: Thank you, Mr. Chairman.
2 Ida Hildebrand, BIA Staff Committee member. I just wanted
3 to thank you to the community of Sitka and for their
4 hospitality to the Council and to Staff. And thank you to
5 the Council.

6
7 CHAIRMAN THOMAS: Thank you. Other agency
8 comments. Carl. Poor Carl, never be rich.

9
10 MR. JACK: Mr. Chairman, members of the
11 Council. I would like to echo Ida Hildebrand in thanking
12 you for the opportunity to be here and to listen to your
13 deliberations. I've taken copious notes and I will
14 certainly bring your concerns to the Chair. He was not
15 able to make it down here but he did send his best regards.

16
17 One other item that I would like to bring
18 to your attention which may have some bearing on the rural
19 determination, and this is just purely informational and I
20 didn't -- since it was not on the agenda, I didn't earlier
21 come forward to talk about it and, that is, the Federal
22 Subsistence Board is due to take Kenai rural under a
23 reconsideration in May and probably as late as June. A
24 request for reconsideration by the Safari Club, and this
25 may have a bearing on -- or may have a bearing on how the
26 rural determination may be dealt with so I just want you to
27 be aware of that, that the Council is due to take up Kenai
28 rural as late as June.

29
30 So that's all I have, thank you.

31
32 CHAIRMAN THOMAS: Thank you, Carl, and
33 welcome to the land of the trees. Okay, any other agency
34 comments? Okay, seeing none.....

35
36 MR. STOKES: Fred raised his hand.

37
38 CHAIRMAN THOMAS: Yeah, you're agency.
39 Fred.

40
41 MR. CLARK: Thank you, Mr. Chairman. I
42 also would like to echo my thanks to Sitka community and to
43 Sitka Tribe for being gracious hosts and providing lots of
44 good feelings, good comments, good insights, that helps the
45 Council get its business done in an equitable and efficient
46 manner. So thank you very much. I also want to thank ANB
47 for putting together a lunch yesterday that was just great.
48 I assume it was good today, too, I wasn't able to make it.
49 I'm looking forward to going through two volumes of -- at
50 least two volumes of copious notes from Tina, that she's

1 going to be producing for us. It's a lot of work to go
2 through those transcripts and try to ferret out the
3 deliberations of the Council, but I always enjoy it, too,
4 because it's like reliving a lot of what the Council does.
5 It reinforces for me the expertise, the insights, the
6 thoughtfulness and heart that the Council members put into
7 this whole thing. You know, you put so much into it and it
8 means a lot to me personally and professionally. It's been
9 really good to be with you guys.

10
11 (In Native) Thank you.

12
13 CHAIRMAN THOMAS: I'm too choked up to
14 respond. Agencies. Tribal.

15
16 MS. GARZA: Make it quick, Andy.

17
18 MR. HOPE: Another dollar, Mr. Chairman.
19 Mr. Chairman. For the audio recording, my name is Gerry
20 Hope, treasurer for the Tribal Council of STA. Mr.
21 Chairman, if Fred ferrets out the language in the copious
22 notes that are decided what would be printed and presented
23 before you, I wonder if his nickname would then be Fred,
24 the Ferret, Clark.

25
26 (Laughter)

27
28 MR. HOPE: Perhaps not, but.....

29
30 MR. CLARK: Sherpa will do, thank you.

31
32 MR. HOPE: Mr. Chairman, first of all,
33 regarding the commercialized plants that Council member
34 Garza had brought up, I think we need to keep that on the
35 table and figure out what role the tribes can play in
36 addressing that particular issue. We have strongly guarded
37 against that as tribes, but also as Alaska Natives. You'll
38 recall the issue with the devil's club and the Forest
39 Service. So it sounds like it's an issue that will not go
40 away and therefore I'm one who would be glad to keep that
41 on the table and defend to, whichever appropriate measures
42 that we possibly can, both that and on the ANB side as
43 well.

44
45 Regarding the permits, if it was important
46 enough for, whichever agency, that needed to put this in
47 regarding the, let's see, may not -- if it's so critically
48 important, why is it in such tiny writing? I didn't even
49 recognize that it was there until you guys started talking
50 about. So perhaps a suggestion regarding that also, that

1 it could be enlarged, perhaps even water print, that would
2 be a shade grayer than the black that's there, that
3 identifies that they do need to fill this out, whether it's
4 in the -- the language would then be may.

5
6 The Katie John case is going to be
7 critically important, so we look forward to finding out,
8 not only the ruling of that, but in the event that the
9 ruling -- assuming that the ruling is going to be in favor
10 of Alaska Natives and Katie John, what the meaning of that
11 is going to be in the relationship between your Council,
12 Mr. Chairman, and us here that reside in Southeast. So
13 we'll look forward to that expanded relationship, assuming
14 that it's going to take case in that direction.

15
16 I do want to say, you're probably already
17 aware but the State and tribal signing that the Governor
18 had initiated is going to take place, I believe, now, the
19 first week in April and that will be in Anchorage. That,
20 too, may have a positive impact by way of the tribes
21 relationship, not only with you but what kind of messages
22 we can send to the State regarding the relationship of
23 subsistence and the land and the ocean.

24
25 I have a radio program and I'd like to
26 interview the, whoever would like to be interviewed, it
27 broadcasts Sunday on KCAW, the public radio station here in
28 town, those who may be in town, I'd like to, either
29 tomorrow or perhaps Sunday, do a recorded program interview
30 with you regarding the Council.

31
32 I do have a card that I'd like to give Fred
33 so that Fred could go ahead and ferret out whatever
34 information I need to help regarding the budget issues
35 before Congress.

36
37 Finally, Mr. Chairman, I'd like to say in
38 appreciation -- first of all, thank you for being here and
39 hearing our concerns and taking them to heart and also
40 taking them to action when you have the opportunity. But
41 finally, those who have said thank you, I will take those
42 thank you's to the tribal council and also to the local ANB
43 and ANS offices.

44
45 (In Native) (In Native) Thank you. Look
46 forward to seeing you tonight at 6:30.

47
48 CHAIRMAN THOMAS: Okay, thank you. Any
49 more tribal comments? Council, starting with John.

1 MR. LITTLEFIELD: Thank you, Mr. Chairman.
2 I would like to thank all the members of the public who
3 testified. We value your information and specifically the
4 Sitka Tribe and the ANB, your information was very valuable
5 in helping us get through these proposals.

6
7 I'd also like to thank the Staff that keeps
8 us up to date. I especially like these microphones, I
9 thought they were a very, very, very good idea, and
10 hopefully we'll see them again in Yakutat and other
11 meetings. I would like to thank the Council for honoring
12 Herman Kitka and attending and having this meeting in
13 Sitka, and thanks to everybody.

14
15 CHAIRMAN THOMAS: John, it's my
16 understanding that the recorder's going to leave this sound
17 system in Sitka when she goes back to Anchorage and reports
18 that it was lost in transit, and that they could blame it
19 on insurance and replace them. That's my understanding.

20
21 (Laughter)

22
23 MS. GARZA: Mr. Chairman, I certainly agree
24 with everything that John said. It's been wonderful to be
25 in Sitka again. Sitka is such a dynamite community in
26 terms of protecting and advocating subsistence uses. I
27 really appreciate the public being diversified so we have
28 public that represent other groups and are coming forward
29 and saying we understand that subsistence is important and
30 we are willing to support it. That really makes me feel
31 good.

32
33 Ida, I would like to thank you for always
34 being at our meetings and for giving us good ideas, often
35 on the side, but I know that you put a lot of your heart
36 into protecting subsistence and I hope you realize that we
37 do benefit from your presence.

38
39 In terms of issues, it sounded like Kenai
40 will be an issue, that Carl mentioned, and Carl I'm glad to
41 see you. And we may want to take quick action and just
42 send a message forward that we support Kenai rural
43 subsistence, because if they have a chance of losing it, we
44 need to make sure that we stand in support of the Kenaitze
45 people.

46
47 Just as a matter of the next meeting, one
48 thing I would like us to discuss and Fred, if you could put
49 this down, because I will forget and you'll send me a note
50 on what should be on the agenda, but I think we have to

1 take up the issue of subsistence and reasonable opportunity
2 that ADF&G is supporting. Because I have great issue with
3 the reasonable opportunity of subsistence opportunities on
4 State lands.

5
6 So that's it for me.

7
8 CHAIRMAN THOMAS: Thank you, Dolly.
9 Marilyn.

10
11 MS. WILSON: Thank you, Mr. Chairman.
12 It's always a joy to be in Sitka, everybody's so friendly
13 and they really put out good food and we get all of our
14 herring eggs and our Indian food and see all the people
15 that come forth to the meetings. I really appreciate
16 everybody coming forward to speak, and even if a person
17 doesn't think it's important, most of the time it is, no
18 matter how small of an item you might think it is. So
19 people shouldn't be afraid to come forth and speak no
20 matter how small they might think their idea is.

21
22 I appreciate being on this Council. It's
23 always a joy to work with this Council and our leadership
24 on this Council is tremendous. Our Council members are
25 great and we all work hard and try to do our best. Our
26 coordinator is always on top of things, and he's getting
27 more nicknames as the years go by.

28
29 And I thank our Recorder for coming back to
30 us. Thank you Sitka STA, ANB. Thank you, Mr. Chairman.

31
32 CHAIRMAN THOMAS: Thank you, Marilyn.

33
34 MR. STOKES: Well, it seems like they've
35 said everything that I would like to say. I really
36 appreciate being here but the day wouldn't be complete if I
37 didn't tell you a little story about Nels, about shooting
38 from a boat, he's an excellent shot. But there was a time
39 when he was able to go up into the woods and take me along
40 with him. We got up in there and then the fog set in, and
41 therefore we got twisted around, and then Nels said, let's
42 do like the White man, how's that? He said, we shoot three
43 times and wait and I said, well, go ahead. So he shot
44 once, we waited. He shot the second time and we waited.
45 The third time he shot and we waited and waited and waited.
46 And I said, shoot again, he said, no, I can't, I'm all out
47 of arrows.

48
49 (Laughter)

1 MR. STOKES: That's all I've got to say,
2 Mr. Chairman.

3
4 CHAIRMAN THOMAS: Patty.

5
6 MS. PHILLIPS: I want to thank the spirit
7 in the sky for giving us the wisdom and the knowledge and
8 the strength to get through this meeting, and that I
9 appreciate each and every one of you. And I want to
10 recognize that the level of Staff expertise is markedly
11 increased and that -- I want to say it in a way that our
12 past level of Staff present has been adequate and the level
13 of professionalism they show is of a high quality, but I
14 appreciate that the presence of more Staff at our meetings,
15 and particularly the presence of general counsel.

16
17 CHAIRMAN THOMAS: Okay, thank you Patty.
18 Lonnie.

19
20 MR. ANDERSON: Mr. Chairman, I would like
21 to thank the people of Sitka for taking us in and attending
22 this meeting here. It's interesting. I guess you and I
23 and Marilyn are probably the.....

24
25 CHAIRMAN THOMAS: Charter members.

26
27 MR. ANDERSON:charter members of this
28 group now. And it seems to improve every time I come back
29 to attend a meeting,. We are no longer contentious about
30 issues. We work together trying to solve a regional
31 problem, not only a regional problem but local problems and
32 I think that's to be congratulated to this group by being
33 on their toes and the time and effort it takes away from
34 the families. A lot of us, we have many hats and we pay
35 for that -- and when I get back home, I got work stacked
36 up. But again, thanks, Sitka, and visit Kake, the sweetest
37 little community in the state.

38
39 Thank you.

40
41 CHAIRMAN THOMAS: Thank you, Lonnie.
42 Floyd.

43
44 MR. KOOKESH: I've been a member for a
45 little over one year and I don't have the privilege of
46 knowing how adequate or how inadequate the Staff is, but I
47 want you to know that I do really appreciate the Staff. It
48 seems like they're becoming more and more valuable as I sit
49 here. It seems like their resources are just becoming
50 never ending. And I'm glad I don't have that same joke as

1 our good friend over there, Mr. Stokes.

2

3 (Laughter)

4

5 MR. KOOKESH: But I really do appreciate
6 what the Staff does for us. And also I'd like to thank
7 this time to thank the people of Sitka. I believe that
8 coming over here and honoring Mr. Kitka, I think that was
9 appropriate. But I also want to say that, I feel that you
10 have very many valuable people here. I notice, I can see
11 it in Mr. Hope. I can see it in Mr. Kitka, definitely Mr.
12 Kitka. And Mr. Nels Lawson. Mr. Neilson. I want you to
13 know that I really appreciate the way you present yourself.
14 Hopefully we can become as eloquent as you are. But to the
15 people of Sitka, thank you very much for being so kind to
16 us. That's it.

17

18 CHAIRMAN THOMAS: Thank you, Floyd. I want
19 to expressly thank everybody that's attending these
20 meetings. The good participation, the homework, the
21 cooperation. There are a lot of components that made this
22 meeting, what I think is really successful. And we can't
23 take any of that for granted. And Sitka being an
24 outstanding host, things are going well. The Forest
25 Service personnel here, I've had some personal needs while
26 I was here. They made sure my transportation was provided,
27 and they weren't between the 8:00 and 5:00 all the time and
28 I want to thank the Forest Service office here for that.
29 And to members of Staff, I think we all kind of grew
30 together. Ten years ago we weren't sure where we were
31 going to wind up or where we were going to go and it was
32 very evident that was the case. But since then we've been
33 able to recognize our challenges. We've been able to
34 anticipate our challenges. We've been able to become
35 victorious with our challenges. But that only happened by
36 working together.

37

38 And I want to thank each and everybody on
39 this Council for the support they've given to me. I tell
40 people when I go to the Board meetings that, you know, this
41 Council doesn't need me for its leadership. I said there's
42 anybody on this Council, I said, if I'm not here, our Vice
43 Chair is very capable. If we're both gone, Secretary is
44 capable. If she's not here or disabled, any member of this
45 Council is capable of guiding this Council through an
46 agenda in a very, very productive manner. So I feel
47 honored and blessed to be flanked by people like this and
48 to be facing people like yourselves.

49

50 And I appreciate the leadership that Sitka

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1 Tribe have undertaken. And I appreciate the agencies that
2 have been working with them. And I know not every
3 confrontation was an agreement to begin with. There had to
4 be some give and take, that happens.

5

6 Thank you all very much. We'll see you at
7 dinner tonight. And thanks again, and keep up the good
8 work. Thank you.

9

10 (Applause)

11

12 MS. GARZA: Mr. Chairman.

13

14 CHAIRMAN THOMAS: Dolly.

15

16 MS. GARZA: Could we have Fred announce
17 where the workshop is tomorrow.

18

19 MR. CLARK: Mr. Chairman, the workshop is
20 right here, 9:00 o'clock to noon.

21

22 MS. GARZA: Okay. Do we need to help Tina
23 pack all the stuff up then?

24

25 REPORTER: (Nods negatively)

26

27 MS. GARZA: No.

28

29 MR. CLARK: Whenever she's ready for it.

30

31 MR. KOOKESH: Move to adjourn.

32

33 CHAIRMAN THOMAS: We're adjourned, thank
34 you.

35

36 (END OF PROCEEDINGS)

37

38 * * * * *

10
11 THAT the foregoing pages numbered 82 through 233 contain a
12 full, true and correct Transcript of the VOLUME II SOUTHEAST
13 FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, taken
14 electronically by Salena Hile on the 23rd day of March 2001,
15 beginning at the hour of 8:30 o'clock a.m. at Westmark Shee
16 Atika, Sitka, Alaska;

22
23 THAT I am not an employee, attorney, or party interested
24 in any way in this action.

27
28
29
30
31 _____
32 Joseph P. Kolasinski
33 Notary Public in and for Alaska
My Commission Expires: 4/17/04